

C.R.P(MD)No.1845 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1845 of 2026

and

C.M.P(MD)No.8935 of 2026

The Branch Manager,
The Oriental Insurance Company Limited,
16, Townhall Road,
Kumbakonam – 612 001.

.. Petitioner

Vs.

1.Minor Sherveshwaran
Through his friend and mother
Mahalakshmi,
W/o Madavan
Door No.25, Keelatheru,
Maharajapuram,
Thiruvadaimaruthur Taluk.

2.J.Vijayakumar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the award dated 12th February 2026 passed in MCOP No.230 of 2024 on the file of the Tribunal Judge (Additional Chief Judicial Magistrate) of Kumbakonam.

For Petitioner : Mr.V.Sakthivel



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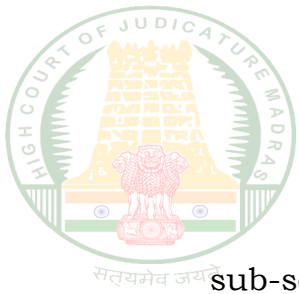
ORDER

The Civil Revision Petition has been filed by the petitioner/Insurance Company challenging the pay and recovery order passed by the Motor Accidents Claims Tribunal.

2.The first respondent herein filed a claim petition seeking compensation for the injuries sustained by him in a road traffic accident. The second respondent is the owner-cum-driver of the offending vehicle and the petitioner is its insurer.

3.The Tribunal found that the second respondent, being the owner-cum-driver of the vehicle, did not possess a valid driving licence on the date of the accident. Therefore, while fastening the liability on the insurer, the Tribunal directed the petitioner/Insurance Company to pay the compensation to the claimant in the first instance and thereafter, recover the same from the second respondent/owner. The said order was passed by the Tribunal by following the judgment of this Court in **SBI General Insurance Company Limited vs. Muthulakshmi and others**, reported in **2025 Supreme (Mad) 2571**. Aggrieved by the said pay and recovery order, the petitioner has filed the present Civil Revision Petition.

4. The learned counsel for the petitioner submitted that, after the amendment to the Motor Vehicles Act by deletion of the proviso to



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sub-section (4) of the erstwhile Section 149, the Motor Accidents Claims Tribunal has no power to pass an order of pay and recovery.

5.The issue raised by the petitioner has already been considered by this Court in the above-mentioned judgment, wherein it was held that even after the amendment, the Motor Accidents Claims Tribunal continues to have the power to direct the insurer to pay the compensation amount in the first instance and recover the same from the owner of the vehicle. The said view has also been affirmed by the Division Bench of this Court in ***Branch Manager, ICICI Lombard General Insurance Company vs. Mariyapushpam and others*** reported in **2026:MHC:1791**.

6. In view of the authoritative pronouncement of the Division Bench, I find no reason to interfere with the pay and recovery order passed by the Tribunal.

7. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

16.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn

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To

- 1.The Tribunal Judge
(Additional Chief Judicial Magistrate) of Kumbakonam.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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