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CMA No. 810 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 810 of 2025

1. The National Insurance Company
Limited
Situating at 1st floor Muruga Theatre
Complex K.K. Road, Villupuram-605
602

Appellant(s)

Vs

1. Elangovan
S/o. Renu, Res. at No. 1/257,
Ravathanallur Village, Sankarapuram
Taluk, Kallakurichi District.

2.Sathiyavathi
Sathiyavathi

3.Ramki
S/o. Rajamanickam, Res. at D.No.
3/341/1, Middle Street, Pakkam,
Sankarapuram Taluk, Kallakurichi
District.

Respondent(s)



PRAYER

To against the order and Decreetal Order dated 22.03.2024 in MCOP NO. 414 of 2022 on the File of the Motor Accident Claims Tribunal (Additional District Judge) at Kallakurichi.

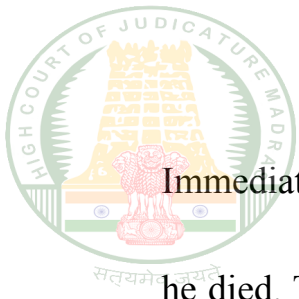
For Appellant(s): Mrs.R.Sree Vidhya

For Respondent(s): Mr.T.Dhanasekaran For Rr1 and
2 R3 - Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed against the order and Decreetal Order dated 22.03.2024 in MCOP NO. 414 of 2022 on the File of the Motor Accident Claims Tribunal (Additional District Judge) at Kallakurichi.

2. On 02.09.2022 at about 07.30 p.m., while the deceased was riding in a two wheeler bearing registration No. TN 15 S 9203(Hero Honda SPL) on the opposite to Puthur Suresh Land on the left side of the road from East to West, at that time the first respondent's two wheeler bearing registration No. TN 15M 2550 was driven by its driver on the opposite direction in a rash and negligent manner dashed against the deceased two wheeler. As a result, the deceased Jagan was felt down from the vehicle and sustained grievous injuries.



Immediately, he was taken to the Government Hospital, Sankarapuram, where

he died. Thereafter, the claimants filed the petition before the tribunal claiming

compensation. The second respondent contested the case by filing counter. After

considering the oral and documentary evidence, the tribunal awarded

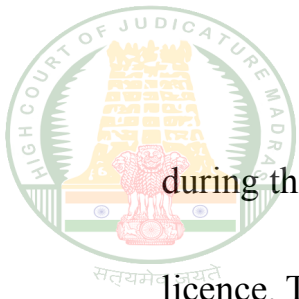
compensation of Rs. 16,92,800/-. Challenging the award passed by the tribunal

the Insurance company filed this appeal.

3. The learned counsel for the appellant/Insurance Company submits that at the time of the accident one Thennarasu was actually the rider of the third respondent's two wheeler, who did not possess a driving licence and the same was noted in the Motor Vehicle report thereby he violated the policy condition but the tribunal has failed to consider the same. Therefore, the tribunal ought to have adopted pay and recovery principle but it failed to do so. Hence, he prays to grant relief of pay and recovery from the third respondent.

4. Heard both sides.

5. On perusal of the Motor Vehicle Inspection report, it reveals that during inspection the rider of the two has not produced Driving Licence. Even



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during the trial also the owner of the vehicle has not produced any valid driving

licence. Therefore, it is clear that at the time of the accident, the rider of the two

wheeler has not possessed any valid driving licence. Hence, the appellant

Insurance Company is entitled to pay the compensation and recovery the same

from the third respondent. Accordingly, the appellant is directed to pay the

compensation to the claimants and recover the same from the third respondent.

Except above modification, the award passed by the tribunal needs no

interference. The Claimants are permitted to withdraw the award amount by

filing proper application before the tribunal. Accordingly, this appeal is

disposed of. No Costs. Pending petition, if any, is/are closed.

31-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal (Additional District Judge) at
Kallakurichi

2. The Section Officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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