



C.R.P. (PD) No.4038 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P. (PD) No.4038 of 2025

and

C.M.P. No.20912 of 2025

The Branch Manager,
SBI General Insurance Company Ltd.,
No.33, 1st Floor A,
Good Shepherd Square,
ECR Main Road,
Ellaipillaichavady,
Puducherry – 605 005.

... Petitioner

vs.

1. Kuppan
2. Jayamani Ramakirushnan

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order, dated 03.01.2024 passed in M.C.O.P. No.155 of 2023 on the file of the Special Officer-cum-Additional Sub Judge at Puducherry.

For Petitioner : Mr.P. Suresh Srinivasan

ORDER

Heard Mr.P. Suresh Srinivasan, learned counsel for the petitioner.

2. The Insurance Company is the revision petitioner. The



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Insurance Company challenges the award passed by the Special Officer cum Additional Sub Judge (FAC), Puducherry in M.C.O.P. No.155 of 2023, dated 03.01.2024.

3. The 1st respondent claimant filed M.C.O.P. No.155 of 2023 seeking compensation of Rs.20,00,000/-, together with interests and costs. The claimant alone was examined as PW1 and Exhibits P1 to P14 were marked before the tribunal. No evidence was let in on the side of the revision petitioner or the first respondent in the O.P. The Tribunal proceeded to award a sum of Rs.35,000/- as compensation to be paid to the claimant together with interests and costs.

4. The learned counsel for the petitioner challenges the award on the primordial ground that the accident occurred after the amendments to the Motor Vehicles Act, which came into effect on 01.04.2022.

5. The learned counsel would state that though pay and recovery was available at the option of the tribunal, to direct compensation to be paid to the claimant and thereafter recover the same from the owner of the vehicle under the provisions of the unamended Act, the learned counsel would state that after the Act came to be amended, “pay and



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recovery has been omitted” and he would therefore state that the Court ought not to have directed the petitioner to pay the compensation, giving liberty to recover the same from the owner of the vehicle, finding that that there is violation of policy conditions.

6. I have carefully considered the submissions advanced by the learned counsel for the petitioner.

7. As far as the contention that the accident having taken place after the amendment came into force, the tribunal has committed an error in directing pay and recover, I find that the said contention raised by the revision petitioner though attraction at first blush it does not deserve to be countenanced for the simple reason that the policy in the present case was taken on 03.03.2022, which is prior to the coming into the force of the amended provisions of the Motor Vehicles Act and therefore, it is only the law which was applicable on the date of the policy being issued, which would govern the present case. Therefore, I do not find any infirmity in the award passed by the tribunal awarding compensation and directing the Insurance Company to pay and recover the same from the owner.



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WEB COPY 8. In the light of the above, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2025

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

P.B. BALAJI, J.

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To
The Special Officer-cum-Additional Sub Judge
at Puducherry.

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