



WEB COPY



C.M.A.No.75 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.75 of 2026

Jhagaru Paswan

... Appellant

Versus

1. Mr. Chandrasekaran

2. The Manager,

SBI General Insurance Co. Ltd.,

No 82, 3rd Floor, A-Block,

Good Sheppard Square Building,

Kodambakkam High Road,

Chennai – 600 034.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, pleaded to enhance the award made in M.C.O.P.No.595 of 2022, dated 08.09.2025, on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai.

For Appellant

: Mr. K. Balaji

For R2

: Mr. M.B. Raghavan

M/s. M.B. Gopalan Associates

R1 – Notice Dispensed With



C.M.A.No.75 of 2026

JUDGMENT

WEB COPY

This Civil Miscellaneous Appeal is directed as against the award dated 08.09.2025 passed in M.C.O.P.No.595 of 2022, on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai.

2. Briefly stated, on 14.01.2022 at about 23.00 hours when the petitioner was walking through Salem Road-R.P.Pudur, near Kathiaravan Hospital, a Scooty bearing Reg.No.TN-88-H-6693 driven by its driver in a rash and negligent manner and endangering public safety came from behind and hit the petitioner. As a result of the accident, the petitioner sustained grievous injuries. The 1st respondent is the owner of the vehicle and the 2nd respondent is the insurer of the vehicle and hence both are jointly and severally liable to pay the compensation to the petitioner with interest and cost. Hence, the appellant filed the claim petition for a compensation of Rs.25,00,000/-.

3. The learned counsel for the 2nd Respondent/ Insurance Company has submitted that the 1st respondent/ vehicle did not have a valid policy at the time of the accident. Therefore, the 2nd respondent is not liable for payment of any compensation to the appellant. The Tribunal awarded a sum of Rs.1,67,700/- as compensation. Aggrieved by this, the appellant has preferred the present appeal.



C.M.A.No.75 of 2026

WEB COPY

4. Heard both sides. Records perused.

5. The 1st respondent did not have a valid driving license at the time of the accident and committed a violation of policy condition, therefore the 2nd respondent need not indemnify the 1st respondent and the 1st respondent is liable to pay compensation to the appellant. Applying the Doctrine of 'Pay and Recover' laid down by the Hon'ble Supreme Court in *National Insurance Company Limited Vs. Swaran Singh and Others* reported in (2004) 3 SCC 294, this Court confirms that the 2nd respondent is entitled to recover the amount payable from the 1st respondent by filing an execution petition without any separate proceeding.

6. Considering the facts and circumstances of the case, the year of accident and the plight of the claimants, this Court deems it fit to enhance the compensation granted under the head of loss of income as Rs.1,28,000/- (16,000×8). In addition, it seems fit to enhance the amounts awarded under the heads of pain and suffering, extra nourishment, attender charges, transportation and loss of amenities to Rs.75,000/-, Rs.25,000/-, Rs.25,000/-, Rs.25,000/- and Rs.25,000/- respectively. The amount awarded under the heads of disability and medical expenses stands confirmed.



C.M.A.No.75 of 2026

7. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Disability	80,000	80,000	Confirmed
2.	Pain and Suffering	20,000	75,000	Enhanced
3.	Extra Nourishment	10,000	25,000	Enhanced
4.	Medical Expenses	27,700	27,700	Confirmed
5.	Attender Charges	10,000	25,000	Enhanced
6.	Loss of Amenities	10,000	25,000	Enhanced
7.	Transportation Charges	10,000	25,000	Enhanced
8.	Loss of Income	32,000	1,28,000 (16,000×8)	Enhanced
	TOTAL	1,67,700/-	4,10,700/-	Enhanced by 2,43,000/-

8. As a result of the aforesaid discussion,

(i) The present appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced to Rs.4,10,700/-.

(iii) The appellant/ claimant is directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft



C.M.A.No.75 of 2026

the decree only after receipt of additional court fee.

WEB COPY

(iv) The 2nd respondent/ Insurance Company is directed to deposit the enhanced compensation amount of Rs.4,10,700/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.595 of 2022 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai., within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

(v) The appellant/claimant is not entitled for any interest for the default period in filing the above appeal.

(vi) On such deposit being made, the appellant/ claimant is at liberty to withdraw the same, after following due process of law.

17.02.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. The III Court of Small Causes,
Motor Accidents Claims Tribunal, Chennai.
2. The Section Officer,
VR Section, High Court, Madras.



WEB COPY



C.M.A.No.75 of 2026

K.GOVINDARAJAN THILAKAVADI, J.

vsn

C.M.A.No.75 of 2026

17.02.2026