



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1909 of 2026

and

C.M.P.No.15092 of 2026

The Manager,
ICICI Lombard General Insurance Co. Ltd.,
No.140, 2nd Floor, Chottabhai Centre,
Nungampakkam High Road,
Chennai – 600 034.

..Appellant

Vs

1. Arunkumar
S/o.Selvam
2. Muhammad Rayyan
S/o.Rajamanickam

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in MCOP No.883 of 2022 dated 07.11.2024 on the file of Motor Accidents Claims Tribunal, Special Subordinate Court, Krishnagiri.

For Appellant : Ms.Sree Vidhya



JUDGMENT

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri, in M.C.O.P.No.883 of 2022 dated 07.11.2024.

2. The first respondent is the claimant. The case of the first respondent is that on 28.07.2022, at about 16 hours, when the first respondent was riding his two wheeler, a car, belonging to the second respondent, came in a rash and negligent manner and dashed against the first respondent, as a result of which, the first respondent sustained grievous injuries and was admitted as an inpatient at Ganga Hospital, Coimbatore, till 02.08.2022 for treatment. A First Information Report came to be registered in Crime No.300 of 2022. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to fix the compensation at Rs.5,10,000/- under various heads as



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<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	2,45,000/-
2.	Pain and suffering	45,000/-
3.	Loss of income	36,000/-
4.	Loss of amenities & attender charges	44,000/-
5.	Additional nourishment	10,000/-
6.	Transportation expenses	9,000/-
7.	Damages to clothes	1,400/-
8.	Medical Expenses	99,600/-
9.	Future medical expenses	20,000/-
	Total	5,10,000/-

The above compensation was directed to be paid along with interest at the rate of 7.5% p.a. from the date of the petition. However, considering the fact that the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

4. The appellant insurance company has filed the present appeal mainly on the ground that the driver of the offending vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

5. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.



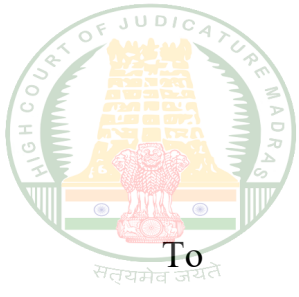
6. The ground taken by the learned counsel for the appellant is to the effect that the Tribunal ought not to have ordered for pay and recover. The said ground is squarely covered by the judgment of this Court in a batch of appeals in C.M.A.(MD) No.517 of 2025 *etc.* dated 01.06.2026. Hence, this Court does not find any illegality in the order passed by the Tribunal applying the principle of pay and recover.

7. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has fixed a fair and just compensation and it does not require the interference of this Court.

In the result, this Civil Miscellaneous Appeal is dismissed. The appellant insurance company is directed to deposit the compensation along with accrued interest, less the amount already deposited, within a period of six (6) weeks from the date of receipt of a copy of this judgment and on such deposit, the claimant is entitled to withdraw the same on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs. Consequently, connected miscellaneous petition is closed.

29-06-2026

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



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The Motor Accidents Claims Tribunal,
Special Subordinate Court, Krishnagiri.



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N.ANAND VENKATESH, J.

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