WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1952 of 2026
and
CMP No.15271 of 2026

The Divisional Manager, National
Insurance Co Ltd.,
No.110, 2nd Floor, J.N.Street,
Puducherry.

Appellant(s)

Vs

1. Kalyani
W/o. Viswanathan, No.38, Ground
Floor, Subramania Koil Back Side,
Shanmugapuram, Puducherry.

2.Banu
W/o. Jackiriya, No.3, Kamaraj Street,
V.P. Singh Nagar,
Shanmugapuram, Puducherry.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 26.08.2024 made in M.C.O.P.No. 543 of 2023 on the file of the Additional Motor Accident Claims Tribunal, Puducherry.

WEB COPY

For Appellant(s): Mr.S Senthilkumar

For Respondents: --

ORDER

This appeal has been filed by the Insurance Company challenging the award passed by the Additional Motor Accident Claims Tribunal, Puducherry in M.C.O.P.No.543 of 2023 dated 26.08.2024.

2. The first respondent is the claimant. The case of the first respondent is that on 13.01.2023, at about 10.20 a.m., the first respondent was a pedestrian on the road, at that point of time, the rider of the two-wheeler belonging to the second respondent rode the same in a rash and negligent manner and dashed against the first respondent. As a result of which, the first respondent sustained grievous injuries in the accident and was admitted as an in-patient in Indira Gandhi Government Medical College and Research Institute, Kathirkamam for treatment. An FIR came to be registered in Crime No. 21 of 2023. 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

WEB COPY

that the accident had taken place due to the rash and negligent driving on the part of the rider of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

Compensation awarded under the head	***Amount (in Rs.)***
Pain and Suffering	Rs.1,25,000/-
Loss of Income	Rs. 50,000/-
Medical Expenses	Rs. 10,000/-
Transport Charges	Rs. 5,000/-
Attender Charges	Rs. 25,000/-
Extra Nourishment	Rs. 15,000/-
Loss of Amenities	Rs. 10,000/-
Total :	**Rs.2,40,000/-**

The above compensation amount of Rs.2,40,000/- was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition. However considering the fact that the rider of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

WEB COPY

5. The Insurance Company has filed the present appeal mainly on the ground that the rider of the offending vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

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

7. The ground that was taken by the learned counsel appearing 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 CMA.(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.

9. 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.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. The appellant insurance company is directed to deposit the entire compensation

WEB COPY

along with accrued interest, if not already deposited and on such deposit being made, the claimants will be entitled to withdraw the compensation amount in the proportion as fixed by the Tribunal. No costs. Consequently connected Miscellaneous Petition is closed.

30-06-2026

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

To

The Additional Motor Accident Claims Tribunal
Puducherry.

WEB COPY

N.ANAND VENKATESH J.

kp

CMA No. 1952 of 2026

30-06-2026