



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1904 of 2026
and C.M.P.No.15062 of 2026

The Issuing Manager,
M/s.Liberty General Insurance Ltd.,
Issuing Office, D.No.40976/3,
AVR Arcade, 2nd Floor, Sai Nagar,
Near Benz Circle, Vijayawada,
Andhra Pradesh -520 010.
[Cause title accepted *vide* Court order dated
19.11.2025 made in C.M.P.No.28006/2025
in C.M.A.Sr.No.142231 of 2025 by RKMJ]

..Appellant

Vs

1. Kesavan
S/o.Jagadeesh
2. Sakthivel,
S/o.Vijayakumar

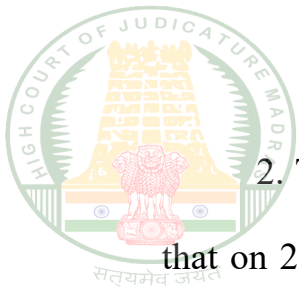
..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in MCOP No.708 of 2022 dated 03.12.2024 on the file of Motor Accidents Claims Tribunal, Special Subordinate Court, Krishnagiri.

For Appellant : Ms.C.Harini
for M/s.M.B.Gopalan Associates

JUDGMENT

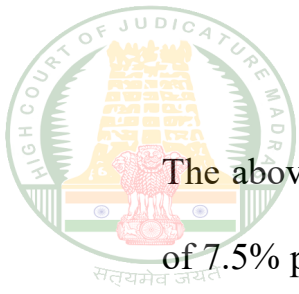
This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri, in M.C.O.P.No.708 of 2022 dated 03.12.2024.



2. The first respondent is the claimant. The case of the first respondent is that on 20.08.2022, at about 0.30 a.m., when the first respondent was standing on the mud portion of the road, the two-wheeler 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 taken to Government Hospital, Krishnagiri, for treatment. A First Information Report came to be registered in Crime No.323 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.2,30,000/- under various heads as follows:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	1,40,000/-
2.	Pain and suffering	30,000/-
3.	Loss of income	24,000/-
4.	Loss of amenities & attender charges	20,000/-
5.	Additional nourishment	8,000/-
6.	Transportation expenses	7,000/-
7.	Damages to clothes	1,000/-
	Total	2,30,000/-



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.



N.ANAND VENKATESH, J.

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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
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To

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

Civil Miscellaneous Appeal No.1904 of 2026