



C.M.A(MD)No.339 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)No.339 of 2026
and
CMP.(MD).No.3078 of 2026**

1.Shriram General Insurance Company Limited,
Having Office at E-8, EPIP,
Citapura Industrial Area,
Jaipur,
Rajasthan.

2.Shriram General Insurance Company Limited,
Having Office at 2nd Floor,
No.25B2/1S, SRC Complex,
North Block,
25 B.S.N. High Road,
Tirunelveli.

... Appellants

Vs.

1.N.Mahalakshmi

2.Minor Ilamithran



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3.E.Indradevi
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4.Usha ... Respondents
(second respondent represented by his mother and natural guardian ,
the first respondent herein)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order passed by the Motor Accident Claims Tribunal-cum-the IV Additional District Court, Tirunelveli in M.C.O.P.No.1042 of 2022 dated 27.10.2025.

For Appellants : Mr.N.Shyllappakalyan

J U D G M E N T

**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal-cum-the IV Additional District Court, Tirunelveli in M.C.O.P.No.1042 of 2022 dated 27.10.2025.



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2. The respondents are the claimants. The respondent Nos.1 to 3 are the wife, son and mother of the deceased. The case of the claimants is that the deceased was a co-passenger in the car bearing reg. no. TN 06 Y-1514 and on 08.04.2022, at about 08.15 a.m., the deceased was one of the co-passengers in the car. The car belonging to the fourth respondent herein was driven by one Siva at an abnormal high speed, without control in a rash and negligent manner and the vehicle rammed over the centre mediator of the main road and the deceased was thrown out from the backseat of the car, as a result of which, he sustained grievous injuries and the deceased died on the way when he was taken to the Tirunelveli Medical College Hospital, Palayamkottai. An FIR came to be registered in Crime No.117 of 2022 against the fourth respondent's car driver. 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 only due to the rash and



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negligent driving on the part of the offending vehicle.

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

Head	Amount
Monthly Income Rs. 22,400/- Individual Expenses (1/3) Rs. 14,933/- $\times$ (1/3)=7,467/- Annual Income Rs. 14,933/- $\times$ 12=1,79,196/-	
Loss of Income Rs.1,79,196/- $\times$ 17=30, 46, 332/-	Rs.30, 46, 332/-
Funeral Expenses	Rs. 18,150/-
Loss of Consortium	Rs.1,45,200/-
Loss of Estate	Rs. 18,150/-
Total	Rs.32,27,832/-

The above compensation amount of Rs.32,27,832/- was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition.

5. The Insurance Company has filed the present appeal mainly



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on the ground that the driver of the fourth respondent vehicle did not possess a valid permit 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 appellants and also the award passed by the Tribunal.

7. The ground that was taken by the learned counsel appearing for the appellants 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.

8. 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.



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9. It is brought to the notice of this Court by the learned counsel appearing for the Insurance Company that the entire award amount has already been deposited before the Tribunal.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. 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.

[N.A.V., J.]

[K.K.R.K., J.]

05.06.2026

NCC :Yes/No

Index :Yes/No

TSG

To

1.The Motor Accident Claims Tribunal-IV Additional District Court, Tirunelveli.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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