



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.472 of 2026
and
CMP.(MD).No.4793 of 2026**

ICICI Lombard General Insurance Company Limited,
through its Branch Manager

... Appellant

Vs.

1.Subbu

2.Murugan

3.Selvam

4.Marathal

5.S.Murugammal

6.Peer Mohamed Khan

... Respondents

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 Principal District Court, Tirunelveli in M.C.O.P.No.49 of 2023 dated 07.11.2025.

For Appellant : Mr.N.Shyllappakalyan



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For R-6

: Mr.H.Mohamed Imran
for M/s.Ajmal Associates

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-Principal District Court, Tirunelveli in M.C.O.P.No. 49 of 2023 dated 07.11.2025.

2. The respondent Nos.1 to 4 are the claimants. The first and second respondents are the parents of the deceased and the third and fourth respondents are the siblings of the deceased. The case of the respondents is that on 26.07.2022, at about 11.15 Hrs., the deceased was riding a two-wheeler and at that point of time, the offending vehicle belonging to the fifth respondent herein was driven in a rash and negligent manner and it dashed on the two-wheeler, as a result of which, the deceased and the pillion rider were thrown away from the two-wheeler and sustained grievous injuries and succumbed to the injuries at the TVMC Hospital, Tirunelveli. An FIR came to be registered in Crime No. 246 of 2022. It is under these circumstances, the Insurance Company filed the claim petition.



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 negligent driving on the part of the offending vehicle and the driver of the offending vehicle did not have a valid driving license.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.31,08,000/-under the following heads:

Head	Amount
Loss of Income	Rs.30,24,000/-
Loss of Consortium	Rs.48,000/-
Funeral Expenses	Rs.18,000/-
Loss of Estate	Rs.18,000/-
Total	Rs.31,08,000/-

The above compensation 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 the driver of the offending vehicle did not posses a valid driving license, pay and recover was ordered.

5. The 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.



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.

8. Insofar as the ground that was raised by the learned counsel appearing for the appellant, the same is squarely covered by the judgment passed by this Court in a batch of appeals in CMA.(MD).No.517 of 2025 etc, dated 01.06.2026, wherein, this Court has sustained the principle pay and recover ordered by the Tribunal in similar circumstances.

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



10. 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.

11. 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-cum-Principal District Court, Tirunelveli.

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



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N. ANAND VENKATESH, J.
AND
K.K.RAMAKRISHNAN, J.

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