



C.M.A(MD)No.593 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2026

CORAM:

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

**C.M.A(MD)No.593 of 2026
and
CMP.(MD).No.6028 of 2026**

1.M/s.National Insurance Company Limited,
Rep. by its Divisional Manager,
Bharthidasan Salai,
Cantonment,
Trichy - 1.

2.M/s.National Insurance Company Limited,
Rep. by its Branch Manager,
(Policy Issuing Office) Krishnagiri Branch,
3rd Floor,
Anuradha Complex,
Bangalore Road,
Krishnagiri District.

... Appellants

Vs.

1.P.Meera

2.Minor P.Atchayasri

1/8



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3.Minor P.Prathiksha
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4.M.Dhanam

5.K.Suresh ... Respondents
(Minors 2 and 3 represented by their mother and natural guardian
and next friend P.Meera, 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, Special District Judge No.II, Tiruchirappalli in
M.C.O.P No.1171 of 2022 dated 21.11.2024.

For Appellants : Mr.D.Sivaraman

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
(Special District Judge No.II), Trichy, in M.C.O.P.No.1171 of 2022 dated
21.11.2024.



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2. The respondent Nos.1 to 4 are the wife, children and mother of the deceased Palanivel. The case of the claimants is that the deceased Palanivel was a pilot driver in 108 ambulance and on 28.05.2022, at about 02.30 p.m., the deceased was on duty and was driving ambulance at the Lalgudi-Trichy main road and at that point of time, the lorry belonging to the fifth respondent herein was driven in a rash and negligent manner and it dashed on the ambulance, as a result of which, the deceased sustained grievous injuries. He was provided treatment as an in-patient till 06.09.2022 and during the entire period, he was in a state of coma. Unfortunately, the deceased died on 06.09.2022 due to the injuries sustained in the accident. An FIR came to be registered in Crime No.125 of 2022 against the driver of the offending vehicle. 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



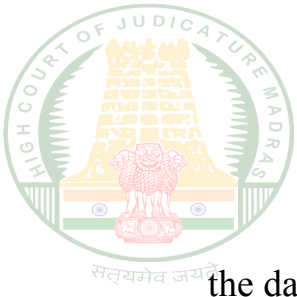
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negligent driving on the part of the offending vehicle.

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

Head	Amount
Loss of Dependency	Rs.45,60,192/-
Pain and Sufferings	Rs.60,000/-
Transportation Expenses	Rs.25,000/-
Attender Charges	Rs.30,000/-
Medical Expenses	Rs.5,498/-
Spousal Consortium to the first petitioner, the wife of the deceased	Rs.48,400/-
Parental Consortium to the second and third minor petitioners, the daughters of the deceased (48,400*2=96,800/-)	Rs.96,800/-
Filial Consortium to the fourth petitioner, the widowed mother of the deceased	Rs.48,400/-
Loss of Estate	Rs.18,150/-
Funeral Expenses	Rs.18,150/-
Total	Rs.49,10,590/-

The above compensation amount of Rs.49,10,590/- was directed to be paid along with interest at the rate of 7.5% per annum from



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the date of the petition.

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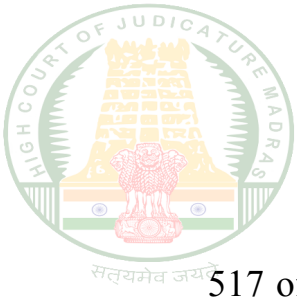
5. The Insurance Company has filed the present appeal mainly on two grounds and they are;

“a. The driver of the offending vehicle did not possess a valid permit and therefore, pay and recover ought not to have been ordered; and

b. The Insurance Company did not direct for the deduction of any amount towards TDS from the award amount.”

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 first 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.



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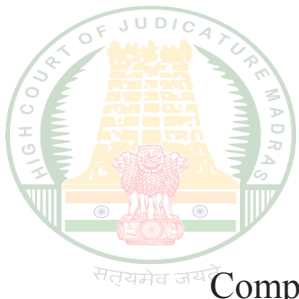
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517 of 2025 etc, dated 01.06.2026. Hence, this Court does not find any illegality in the order passed by the Tribunal applying the principle of pay and recover.

8. Insofar as the second ground to the effect that no TDS was deducted from the award amount, the same is also squarely covered by the judgment passed by this Court in CMA.(MD).No.426 of 2026 dated 30.03.2026. This Court went into this issue in detail and came to a conclusion that the deduction of TDS from the award amount is not sustainable, more particularly, since the Finance Ministry itself has brought in necessary amendment under the Income Tax Act.

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. There shall be a direction to the appellants / Insurance



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Company to deposit the entire compensation along with interest to the credit of M.C.O.P No.1171 of 2022 on the file of the Motor Accident Claims Tribunal (Special District Judge No.II), Tiruchirappalli, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimants will be entitled to withdraw the same 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.]

01.06.2026

NCC :Yes/No

Index :Yes/No

TSG

To

1.The Motor Accident Claims Tribunal, Special District Judge No.II,
Tiruchirappalli.

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



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AND
K.K.RAMAKRISHNAN,J.

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