



C.M.A(MD)No.1255 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2026

CORAM:

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

**C.M.A(MD)Nos.1255 of 2025
and CMP (MD) No.17551 of 2025**

M/s.Oriental Insurance Co.Ltd.,
Rep. by its Manager,
1st Floor, DDJ,
Opp. to Vadasery Bus stand, Nagercoil,
Agastheeswaram Taluk,
Kanyakumari District.

... Appellant

Vs.

1. M.Gowri Bai

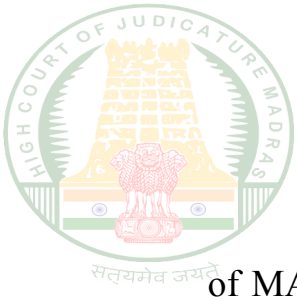
2. N.Rahul

3. M.Regina Vasanth

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the decree and judgment of the Tribunal

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of MACT cum Special Judge for Forest Offence Cases, Nagercoil made in M.C.O.P.No. 40 of 2024 dated 26.11.2024 and allow the appeal with costs.

For Appellant : Mr. C.Jawahar Ravindran

For Respondents : Mr.G.Sridharan for R1

Mr.A.Parthasarathy for R3

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 Tribunal of MACT cum Special Judge for Forest Offence Cases, Nagercoil, in MCOP No.40 of 2024 dated 26.11.2024.

2. The first respondent is the claimant. The case of the respondent is that on 24.10.2022, at about 05.40 p.m., the first respondent was a pedestrian on the road and at that point of time, the



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second respondent, who is the driver of the two-wheeler belonging to the third respondent herein, was driven 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 the Government Hospital, Asaripallam, where she was admitted as an in-patient till 11.11.2022. In this regard, an FIR came to be registered in Crime No.421 of 2022. It is under these circumstances, the claim petition came to be filed before this 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 negligent driving on the part of the offending vehicle.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.6,10,000/-under the following heads:



Head	Amount
Functional Disability	Rs.4,20,000/-
Pain & Suffering	Rs.70,000/-
Extra nourishment	Rs.25,000/-
Transportation	Rs.20,000/-
Damages to clothes and articles	Rs.2000/-
Attender charges	Rs.70,000/-
Medical Expenses	Rs.3,000/-
Total	Rs.6,10,000/-

5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum. However, considering the fact that the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

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



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

8. 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 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



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amount has already been deposited before the Tribunal.

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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.]
15.06.2026

NCC :Yes/No
Index :Yes/No
PKN



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To
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1. MACT cum Special Judge for Forest Offence Cases, Nagercoil.
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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