



C.M.A(MD)No.160 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2026

CORAM:

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

**C.M.A(MD)No.160 of 2023
and C.M.P(MD) No.1568 of 2023**

The Branch Manager,
Cholamandalam MS General Insurance
Company Limited, Registered and Head Office,
Dare House, 2nd Floor, No.2, N.S.C. Bose Road,
Chennai-600 001. ... Appellant

Vs.

1.P.Muthaiah (died)
2.K.Karuppiyah
3.Kaliyammal
4.Nagarajan
5.Raj
6.Shanmugathai ... Respondents

(Respondent Nos.3 to 6 are brought on record as legal representatives of the deceased first respondent vide Court order dated 17.04.2026 made in CMP.(MD).Nos.5798, 5799 and 5800 of 2023)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act to call for the records against the judgment and decree made in MCOP.No.37 of 2015 on the file of the MACT (Subordinate Judge), Sivakasi, dated 28.09.2021.

1/7



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C.M.A(MD)No.160 of 2023

For Appellant : Mrs.K.R.Shivashankari
For R-3 to R-6 : Mr.K.Arunmozhi Rajashankar

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 (Subordinate Judge), Sivakasi in M.C.O.P. No. 37 of 2015 dated 28.09.2021.

2. The first respondent is the claimant. The case of the first respondent is that on 24.12.2014 at about 7.00 hrs., the first respondent was riding his two-wheeler, at that point of time, the driver of the auto belonging to the second respondent, drove the same in a rash and negligent manner and dashed against the two-wheeler of the first respondent, as a result of which, the first respondent sustained grievous injuries and was admitted at Laksmana Multispeciality Hospital till 05.02.2015 for treatment. An FIR came to be registered in Crime No. 169 of 2014. It is under these circumstances, the claim petition came to be filed before the tribunal.



C.M.A(MD)No.160 of 2023

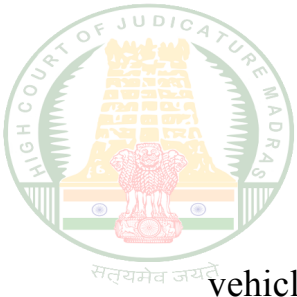
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3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle.

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

Head	Amount
Disability	Rs.10,75,200/-
Medical Bills	Rs. 5,67,717/-
Pain and Suffering	Rs. 30,000/-
Transportation Expenses	Rs. 10,000/-
Additional Nourishment	Rs. 10,000/-
Damages to clothes	Rs. 1,000/-
Attender Charges	Rs. 24,000/-
Loss of Income	Rs. 25,000/-
Total	Rs.17,17,917/-

The above compensation amount of Rs.17,17,917/- 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 driver of the offending



C.M.A(MD)No.160 of 2023

WEB COPY

vehicle did not possess a valid driving license and fitness certificate, 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



C.M.A(MD)No.160 of 2023

pay and recover.

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8. The other ground that was urged is that the claim petition was filed under Section 163A of the Motor Vehicles Act before the 2019 amendment. At that point of time only fixed compensation was provided. However, the tribunal has proceeded to determine the functional disability at 50% and applied multiplier method and determined the compensation under the disability and awarded the compensation at Rs.10,75,200/-. The above ground has not been raised before the tribunal and that apart, we find that the claimant died and presently his wife and children are making a claim for the compensation as the estate that was left behind by the deceased. Considering the same, we are not inclined to interfere with the compensation.

9. It is brought to the notice of this court by the learned counsel appearing for the insurance company that the admitted liability of the compensation amount has already been deposited before the tribunal.



C.M.A(MD)No.160 of 2023

WEB COPY

10. In the result, this Civil Miscellaneous Appeal stands disposed. There shall be a direction to the appellant/Insurance Company to deposit the remaining compensation along with accrued interest to the credit of M.C.O.P No.37 of 2015 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Sivakasi, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the claimants will be entitled to withdraw the remaining compensation 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.]
18.06.2026

NCC :Yes/No
Index :Yes/No

RR

To

- 1.The Special Sub Court / Motor Accident Claims Tribunal, Thanjavur.
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.

6/7



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C.M.A(MD)No.160 of 2023

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

RR

C.M.A(MD)No.160 of 2023

18.06.2026