

C.M.A(MD)No.568 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 23.06.2026

CORAM:

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

**C.M.A(MD)No.568 of 2026
and C.M.P(MD) No.5663 of 2026**

The Branch Manager,
Cholamandalam MS General Insurance Company Limited,
Sona Towers Palani Road
Dindigul.

... Appellant

Vs.

1.Magalingam

2.Murugan

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the judgement and decree passed in M.C.O.P.No.4 of 2024 on the file of the Special Sub Court / Motor Accident Claims Tribunal, Dindigul dated 23.09.2025.

For Appellant : Mr.C.Vakeeswaran

For Respondent : Mr.S.Pugalendhi for R2



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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 Special Sub Court / Motor Accident Claims Tribunal Dindigul, in M.C.O.P. No. 4 of 2024 dated 23.09.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 14.08.2023 at about 7.30 p.m., the first respondent was sitting on the stationed two-wheeler. At that point of time, the rider of another two-wheeler belonging to the second respondent, rode the same 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 admitted at multiple hospitals for treatment till 18.12.2021. An FIR came to be registered in Crime No. 277 of 2023. It is under these circumstances, the claim petition came to be filed before the tribunal.



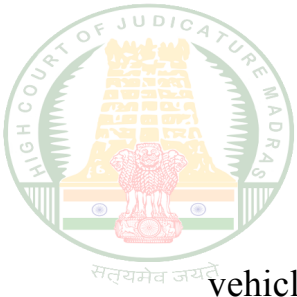
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3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of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

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

Head	Amount
Loss due to disability	Rs.31,44,960/-
Pain and Suffering	Rs. 1,00,000/-
Loss of Amenities	Rs. 80,000/-
Extra Nourishment	Rs. 20,000/-
Attender Charges	Rs. 25,000/-
Damages to clothes and other valuables	Rs. 4,000/-
Transportation Expenses	Rs. 15,000/-
Medical Bills	Rs. 1,85,224/-
Total	Rs.35,74,184/-

The above compensation amount of Rs. 35,74,184/- 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



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vehicle did not possess 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.



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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.

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

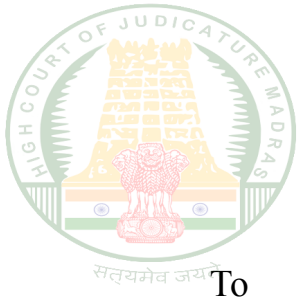
10. In the result, this Civil Miscellaneous Appeal stands dismissed. The claimants will be entitled to withdraw the compensation amount in the proportion as fixed by the Tribunal. No costs. Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.] [K.K.R.K., J.]
23.06.2026

NCC :Yes/No
Index :Yes/No

RR

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To
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- 1.The Special Sub Court / Motor Accident Claims Tribunal, Dindigul.
- 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.

RR

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