



C.M.A(MD)No.1547 of 2025

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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.1547 of 2025
and C.M.P(MD) No.19981 of 2025**

The Branch Manager,
Oriental Insurance Company Limited,
Door No.16/18 Ayyasamy Layout
Aathi Parasakthi Temple,
Subbammal Street,
Mahalingapuram
Pollachi
Coimbatore District.

... Appellant

Vs.

1.P.Valarmathi
2.Minor P.Ramya
3.Minor P.Lalitha
4.Minor P.Kavin
5.C.Krishnan
6.K.Nagamani
7.Gangatharan

... 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.123 of 2023 on the file of the Special Sub Judge/ Motor



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Accident Claims Tribunal, Dindigul dated 04.09.2024 by allowing the civil miscellaneous appeal.

For Appellant : Mr.A.Ilango

For Respondent : Mr.S.Rajeshkanna for R1 to R6

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 Subordinate Judge, Dindigul, in M.C.O.P. No.123 of 2023 dated 04.09.2024.

2. The respondents are the claimants. The first respondent is the wife of the deceased, the second to fourth respondents are the children of the deceased and fifth and sixth respondents are the parents of the deceased. The case of the first respondent is that on 30.06.2018 at about 8.30 p.m., the deceased was riding a two-wheeler along with a



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pillion rider. At that point of time, the driver of the auto belonging to the seventh respondent, rode the same in a rash and negligent manner and dashed against the two-wheeler of the deceased, as a result of which the deceased sustained grievous injuries and subsequently succumbed to the injuries on the way to the hospital. An FIR came to be registered in Crime No. 109 of 2018. 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 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:



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Head	Amount
Loss of Dependency	Rs.28,22,400/-
Loss of Estate	Rs. 15,000/-
Loss of Consortium	Rs. 1,60,000/-
Funeral Expenses	Rs. 15,000/-
Transportation Expenses	Rs. 10,000/-
Total	Rs.30,22,400/-

The above compensation amount of Rs.30,22,400/- 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 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.



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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 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. In the result, this Civil Miscellaneous Appeal stands dismissed and there shall be a direction to the appellant/Insurance



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Company to deposit the entire compensation amount along with interest to the credit of M.C.O.P No. 123 of 2023 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Dindigul, 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 entire compensation with accrued interest 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 Motor Accident Claims Tribunal/Special Sub Judge,
Dindigul.

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

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