



C.M.A(MD) No.632 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.06.2026

CORAM:

**THE HONOURABLE MR JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD) No.632 of 2026
and
C.M.P(MD) No.6593 of 2026**

Iffco-Tokio General Insurance Company Limited,
Through its Branch Manager,
No.82, Preetham Plaza,
2nd Floor, Chandragandhi Nagar,
Ponmeni, Bypass Road,
Madurai

... Appellant

-VS-

1.Lakshmi

2.Kavibala

3.Harishkumar

4.Minor Manthira Devi

(The minor 4th respondent is represented through
her natural guardian and mother, the first respondent)

5.Pappa

6.M.Ramu

... Respondents



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PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award passed in M.C.O.P.No. 578 of 2024 on the file of the Motor Accident Claims Tribunal, Special District Court, Madurai, dated 05.12.2025 by allowing this civil miscellaneous appeal.

For Appellant : Mr.V.Sakthivel

ORDER

(Order of the Court was made by **N.ANAND VENKATESH,J.**)

The Insurance Company has filed the present appeal against the award passed by the Motor Accident Claims Tribunal, Special District Court, Madurai, in M.C.O.P.No.578 of 2024, dated 05.12.2025.

2. The first respondent is the wife, respondents 2 to 4 are the children and respondent No.5 is the mother of the deceased. The case of the claimants is that on 19.10.2023 at about 3.00 p.m., the deceased Maharajan was riding a two-wheeler near Anna University and at that point of time, the offending vehicle, which was coming from behind, had hit the two-wheeler on the rear side, as a result of which the deceased



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was thrown out of the vehicle and sustained grievous injuries and succumbed to the injuries. Based on the same, an FIR came to be registered in Crime No.291 of 2023 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 the evidence, came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered the said finding, the Tribunal had fixed the total compensation amount at Rs.24,23,750/- under the following heads:

Particulars	Rupees
Loss of income	21,93,750/-
Loss of Consortium (5*Rs.40,000/-)	2,00,000/-
Funeral expenses	15,000/-
Loss of Estate	15,000/-
Total	24,23,750/-



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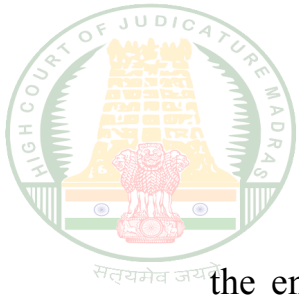
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5. The Tribunal also took into consideration the fact that the driver of the offending vehicle did not possess a driving licence and hence, invoked the principle of pay and recovery.

6. 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 licence and therefore, the principle of pay and recovery will not be applicable pursuant to the amendment of the Motor Vehicles Act, effective from 01.04.2022.

7. The ground that has been raised by the learned counsel for the appellant is no longer *res integra* and it is covered by the judgment passed by this Court in a batch of appeals in ***C.M.A(MD) No.517 of 2025, etc., dated 01.06.2026.*** Insofar as the compensation amount is concerned, we find the same to be just and reasonable and the same does not require the interference of this Court.

8. In the result, this Civil Miscellaneous Appeal stands dismissed. There shall be a direction to the appellant Insurance Company to deposit



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the entire compensation amount along with interest within a period of eight (8) weeks from the date of receipt of a copy of this order. On such deposit, the claimants are entitled to withdraw the same in the proportion fixed by the Tribunal. Consequently, the connected Miscellaneous Petition is closed. No costs.

[N.A.V., J.]

[K.K.R.K., J.]

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Indu

NCC :Yes/No

Index : Yes/No

Internet: Yes/No



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