



WEB COPY



CMP(MD)No..
in CMA(MD)No.194 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-04-2026

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CMP(MD)No.3736 of 2026
in
CMA(MD)No.194 of 2024

1.Alagi

2.Subbaiah

**Petitioners/
Respondents 1 & 2**

Vs

1.The Branch Manager,
Oriental Insurance Company Ltd.,
No.3607/21, 2nd Floor,
Sathiyamoorthy Road, Pudukkottai District,
Having Branch Office at
No.6A, Ganesh Complex, 2nd Floor,
Lasans Road, Cantonment,
Trichy District-620001.

**1st Respondent/
Appellant**

2.Raveendran

**2nd Respondent/
3rd Respondent**

Prayer in CMP(MD)No.3736 of 2026 : This Civil Miscellaneous Petition filed under Section 151 C.P.C. praying to permit the petitioners to withdraw the entire award



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amount deposited to the credit of the Special District Judge, Trichy in M.C.O.P.No.236 of 2020 which is with the deposit of the Special District Judge, Trichy.

Prayer in CMA(MD)No.194 of 2024 : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act 1988 praying to modify the award dated 22.04.2023 made in M.C.O.P.No.236 of 2020 on the file of learned Special District Court, Trichy.

For Petitioners: Mr.D.Boopal, Advocate

For Respondents: Mr.A.Ilango, Advocate for R1

ORDER

The above petition has been filed seeking orders to permit the petitioners to withdraw the entire award amount that was deposited by the first respondent / Insurance Company.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the first respondent.

3. It is evident from the records that this Court in C.M.P.(MD)No.2365 of 2024 in C.M.A.(MD)No.194 of 2024 vide order dated 22.02.2024 directed the first respondent to deposit the entire award amount together with accrued interest and costs to the credit of M.C.O.P.No.236 of 2020 on the file of the Motor Accident Claims Tribunal / Special District Court, Trichy. In pursuance of the said direction, the first respondent deposited the entire award amount together with accrued interest and costs.



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4. The learned counsel appearing for the first respondent would mainly contend that the Tribunal has mulcted joint and severe liability on the first respondent / insurer as well as the second respondent / owner of the vehicle and that the Tribunal ought to have applied the doctrine of pay and recovery and that is why the first respondent was constrained to file the present appeal.

5. The learned counsel appearing for the petitioners would submit that the main ground canvassed in the present appeal is for invoking the doctrine of pay and recovery and except the above, the first respondent has not challenged the award in any other aspects.

6. As rightly contended by the learned counsel appearing for the petitioners, as of now, the Tribunal has passed an award directing both the first respondent and the second respondent to pay the award amount jointly and severely.

7. Whatever the plea taken by the first respondent is to be decided in the main appeal.

8. Considering the facts and circumstances and taking note of the submissions made on either side, the petitioners are permitted to withdraw 50% of the award amount



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with accrued interest and costs that was deposited by the first respondent as per the apportionment fixed by the Tribunal on filing necessary application before the Tribunal.

9. At this juncture, the learned counsel appearing for the first respondent would submit that subject to the result of the main appeal, they are entitled to recover the entire amount from the second respondent / owner of the vehicle.

10. Accordingly, this petition is ordered.

08-04-2026

CSM

To

1.The Special District Judge,
Motor Accident Claims Tribunal,
Tiruchirappalli.