



C.M.A(MD)No.622 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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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.622 of 2023
and C.M.P(MD) No.7904 of 2023**

Liberty General Insurance company Ltd.,
C6,D6,E6, F6 Level
Anmolepazhani
No.88 GN Chetty Road
Chennai.

... Appellant

Vs.

1.Balasundar

2.Pavalakkodi

3.Balasubramanian

4.Balaguru

5.Balakrishnan

... 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.128 of 2022 on the file of the Motor Accident Claims Tribunal/Principal District Judge, Pudukottai, dated 14.02.2023.



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For Appellant : Mrs.K.R.Shivashankari

For Respondents : Mr.B.Jameelarasu for R1 and R2

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 (Principal District Judge), Pudukkottai in M.C.O.P. No.128 of 2022 dated 14.02.2023.

2. The respondents 1 to 4 are the claimants and they are the children of the deceased. The case of the respondents/claimants is that on 25.01.2020 at about 10.00 p.m., the deceased was a pillion rider on the two-wheeler belonging to the fifth respondent. At that point of time, the rider of the said two-wheeler belonging to the fifth respondent, rode the same in a rash and negligent manner and subsequently lost control and dashed the vehicle, as a result of which the deceased sustained grievous



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injuries and was taken to Thanjavur Government Medical College Hospital where she succumbed to the injuries on 26.01.2020 . An FIR came to be registered in Crime No. 24 of 2020. 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 fifth respondent vehicle.

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

Head	Amount
Loss of Income	Rs.16,06,770/-
Loss of Estate	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-
Filial consortium to 1 st to 4 th respondents	Rs. 40,000/-
Total	Rs.16,76,770/-

The above compensation amount of Rs. 16,76,770/-was directed to be



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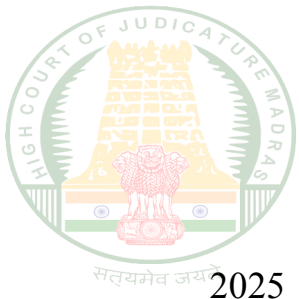
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paid along with interest at the rate of 7.5% per annum from the date of the petition. However considering the fact that the driver of the fifth respondent vehicle did not possess a valid driving license, pay and recover was ordered.

5. The Insurance Company has filed the present appeal mainly on the ground that the driver of the fifth respondent 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



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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. It is brought to the notice of this court by the learned counsel appearing for the insurance company that the 50% of the compensation amount has already been deposited before the tribunal.

10. In the result, this Civil Miscellaneous Appeal stands disposed. There shall be a direction to the appellant/Insurance Company to deposit the remaining 50% of the compensation amount along with interest to the credit of M.C.O.P No. 128 of 2022 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Pudukkottai, within a period of six weeks from the date of receipt of a copy of this



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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 Motor Accident Claims Tribunal,
Principal District Judge, Pudukottai

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



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RR

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