

C.M.A(MD)No.1047 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

**C.M.A(MD)No.1047 of 2025
and CMP (MD) No.15362 of 2025**

The Branch Manager
ICICI Lombard General Insurance Company Ltd.,
No.42/1A, First Floor, Bishop Sundaram Complex,
Pudukottai Road,
Thanjavur – 613 007.

... Appellant(s)

Vs.

1. Janathul Pirothosh
2. Minor. Muhamed Ansari
3. Minor. Ahamed Sultan
4. Minor. Shahira Banu
5. Mehar Nisha
6. Nagarajan

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to call for the records pertains to the fair order passed by the Motor Accident Claims Tribunal / Special District Judge, Thanjavur in M.C.O.P.No.24 of 2024 dated 18-12-2024 set aside the same.

For Appellants : Mr. P.Pethu Rajesh
For Respondents : Mr.B.Anandan for R1 to R5
Mr.G.Karnan for R6



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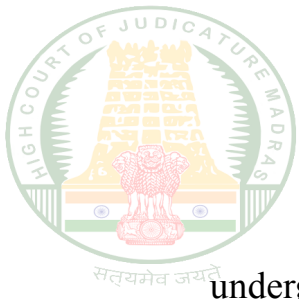


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J U D G M E N T
**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal/ (Special District Judge), Thanjavur, in M.C.O.P. No. 24 of 2024 dated 18.12.2024.

2. The respondents are the claimants. The first respondent is the wife of the deceased, second to fourth respondents are the children of the deceased and fifth respondent is the mother of the deceased. The case of the respondent is that on 06.09.2023, at about 10.00 p.m., the deceased rode the two-wheeler along with a pillion rider. At that point of time, the sixth respondent who was riding another two-wheeler, drove 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 was initially taken to the Kumbakonam Government Hospital for first aid treatment. Thereafter, he was shifted to Thanjavur Government Medical College and Hospital for further treatment. Despite



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undergoing treatment, he succumbed to the injuries on 15.09.2023. An FIR came to be registered in Crime No. 528 of 2023. 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 sixth respondent.

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

Head	Amount
Loss of Dependency	Rs.21,93,828/-
Spousal Consortium to the 1 st respondent, wife of the deceased	Rs.48,000/-
Parental Consortium to the 2 nd to 4 th respondents, children of the deceased	Rs.1,44,000/-
Filial Consortium to the 5 th respondent, mother of the deceased	Rs.48,000/-
Funeral Expenses	Rs.18,000/-
Loss of Estate	Rs.21,600/-
Total	Rs.24,73,430/-



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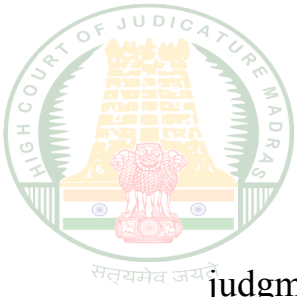
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The above compensation amount of Rs.24,73,430/- was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition. However considering the fact that the driver of the offending vehicle did not possess a valid driving 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.

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



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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. It is brought to the notice of this court that the insurance company has already deposited 50% of the award amount and the claimants were directed to withdrawn 50% of the deposited amount.

9. 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. 24 of 2024 on the file of the Motor Accident Claims Tribunal/ (Special District Judge), Thanjavur, within a



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period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimants will be entitled to withdraw the remaining compensation in the proportion as fixed by the Tribunal. No costs.

[N.A.V., J.] [S.S.Y.,J.]
08.06.2026

NCC :Yes/No

Index :Yes/No

RR

To

1.The Motor Accident Claims Tribunal / Special District Judge,
Thanjavur

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



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AND
S.SRIMATHY,J.

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