



C.M.A(MD)No.83 of 2026

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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. 83 of 2026 and
CMP.(MD).No.892 of 2026**

1.Branch Manager,
The Oriental Insurance Company Limited,
82, North Car Street, SKG Complex,
1st Floor, Tenkasi.

... Appellant

Vs.

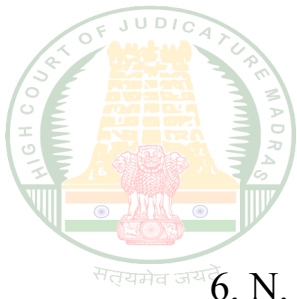
1.Thangam
W/o. Late. Krishnan

2.Ramalakshmi
W/o. Velmurugan

3.Amsa
D/o. Late. Krishnan

4.Nambirajan
S/o. Late. Krishnan

5. Nachiyar
D/o. Late. Krishnan



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6. N. Murugesan
S/o. Natarajan

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the award dated 26.06.2023 made in M.C.O.P. No. 237 of 2019 on the file of the Motor Accidents Claims Tribunal/ Additional District Court (FTC), Tenkasi.

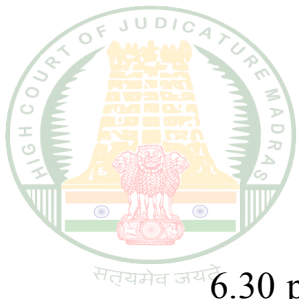
For Appellant : Mr.Veeransamy.S
For Respondents : Mr. D. Srinivasaraghavan
for R1 to R5

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 Accidents Claims Tribunal/ Additional District Court (FTC), Tenkasi, in M.C.O.P. No. 237 of 2019 dated 26.06.2023.

2. The respondents are the claimants. The first respondent is the wife of the deceased, second to fifth respondents are the children of the deceased. The case of the respondent is that on 10.06.2017, at about



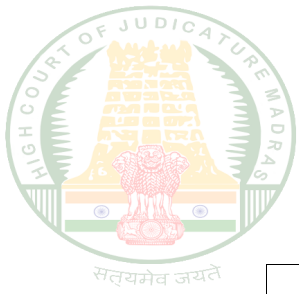
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6.30 p.m., the deceased and his brother were pedestrians on the road . At that point of time, the sixth respondent rode the two-wheeler in a rash and negligent manner and dashed against the deceased, as a result of which the deceased sustained grievous injuries and was initially taken to the Sengottai Government Hospital. Despite treatment, he succumbed to the injuries on 13.06.2017 at Tirunelveli Government Hospital. An FIR came to be registered in Crime No. 162 of 2017. 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:



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Head	Amount
Loss of Dependency	Rs.15,75,000/-
Loss of Estate	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-
Loss of Consortium and Loss of love and affection	Rs. 5,00,000/-
Total	Rs.21,05,000/-

The above compensation amount of Rs.21,05,000/- 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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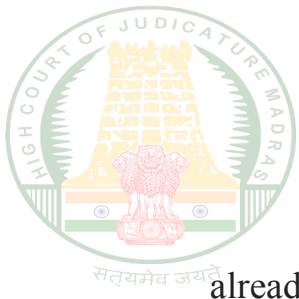
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6. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.

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 disposed. It is brought to the notice of this court that the appellant has



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already deposited 50% of the award amount. 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. 237 of 2019 on the file of the Motor Accidents Claims Tribunal/ Additional District Court (FTC), Tenkasi, within a 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 same 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 Accidents Claims Tribunal/ Additional District Court (FTC), Tenkasi

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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