



C.M.A(MD)No.1147 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)Nos.1147 of 2025
and CMP (MD) No.16181 of 2025**

M/s.Magma HDI General Insurance Company Ltd.,
Through its Manager
Office at Space No.24,
Near Old Central Theater,
Swamy Nellaiappar High Road,
Sripuram, Tirunelveli – 627 001.

... Appellant

Vs.

1. Rani
2. Jenistta
3. Subhani
4. Anitha



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5. Thasvin

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6. Alexander

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Decreetal order and order made in M.C.O.P.No.168 of 2023 dated 25.04.2024, on the file of Motor Accidents Claims Tribunal cum Special Judge for Forest Offence Cases, Nagarcoil.

For Appellant : Mr. N.Shyllappakalyan

For Respondents : M/S.P.Kalaiyarasi Shanthi for R1 to R4

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 Tribunal of Motor Accidents Claims Tribunal cum Special Judge for Forest Offence Cases, Nagarcoil, in MCOP No. 168 of 2023 dated 25.04.2024.



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2. The respondents are the claimants. The first respondent is the wife of the deceased. The second to fourth respondents are the daughters of the deceased. The case of the respondents is that on 28.06.2023, at about 11.30 a.m., the deceased was a pedestrian on the road and at that point of time, the fifth respondent rode the two-wheeler of the sixth respondent in a rash and negligent manner and dashed against the deceased, as a result of which, the deceased sustained grievous injuries and he succumbed to the injuries on the way to the hospital. In this regard, an FIR came to be registered in Crime No.59 of 2023. It is under these circumstances, the claim petition came to be filed before this 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 only due to the rash and negligent driving on the part of the offending vehicle.



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4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.8,20,000/-under the following heads:

Head	Amount
Loss of Dependency	Rs.6,30,000/-
Loss of consortium	Rs.40,000/-
Funeral Expenses	Rs.15,000/-
Loss of Estate	Rs.15,000/-
Loss of Love and Affection	Rs.1,20,000/-
Total	Rs.8,20,000/-

5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum. However, considering the fact that the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

6. The Insurance Company has filed the present appeal mainly on the ground that the driver of the offending vehicle respondent did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.



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7. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.

8. 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.

9. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has granted a just and reasonable compensation and it does not require the interference of this Court.



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10. It is brought to the notice of this court by the learned counsel appearing for the Insurance Company that the entire award amount has already been deposited before the Tribunal.

11. In the result, this Civil Miscellaneous Appeal stands dismissed. The Claimants will be entitled to withdraw the compensation amount 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.]
15.06.2026

NCC :Yes/No
Index :Yes/No
PKN



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To
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1. Motor Accidents Claims Tribunal cum Special Judge for Forest Offence Cases, Nagarcoil.
2. The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.

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