



C.M.A(MD)No.1375 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.1375 of 2025
and CMP (MD) No.18452 of 2025**

The Branch Manager
M/s.United India Insurance Company Ltd.,
PLA Building,
No.12A, Kovai Road, Karur – 639 002.

... Appellant

Vs.

1. Ilangodi
2. Minor. Riya Sree
3. Minor Sujanraj
4. Dhanammal
5. Savithiri

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of



C.M.A(MD)No.1375 of 2025

Motor Vehicle Act to set aside the execution of the award passed in M.C.O.P.No.673 of 2021 on the file of the learned Principal District Judge, Kaur dated 27-02-2023 pending disposal of the civil miscellaneous appeal.

For Appellant : M/s.S.Royce Immanuel

For Respondents : Mr.K.Suresh for 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 Accident Claims Tribunal/ Principal District Judge, Karur in MCOP No.673 of 2021 dated 27.02.2023.

2. The respondents are the claimants. The first respondent is the wife of the deceased, second and third respondents are the children of the deceased and the fourth respondent is the mother of the deceased.



C.M.A(MD)No.1375 of 2025

WEB COPY

The case of the respondents is that on 22.08.2021, at about 12.00 p.m., the deceased was riding a two-wheeler and at that point of time, the driver of the car belonging to the fifth respondent was driven in a rash and negligent manner and dashed against the two wheeler of the deceased from behind, as a result of which, the deceased sustained grievous injuries and was taken to KMCH Hospital where the deceased succumbed to the injuries. An FIR came to be registered in Crime No 1355 of 2021. 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 driver of the offending vehicle.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs. 21,55,000/- under the following heads:



C.M.A(MD)No.1375 of 2025

Head	Amount
Loss of Income	Rs. 20,47,500/-
Spousal Consortium to 1 st respondent	Rs.44,000/-
Loss of estate	Rs.16,500/-
Funeral Expenses	Rs.16,500/-
Medical Expenses	Rs. 30,400/-
Total	Rs. 21,54,900/-
Rounded off	Rs. 21,55,000/-

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 did not possess a valid driving license, therefore, pay and recover ought not to have been ordered;



C.M.A(MD)No.1375 of 2025

WEB COPY

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 first ground that was raised by the learned counsel appearing for the appellant, the same is squarely covered by the judgment passed by this Court in a batch of appeals in CMA.(MD).No. 517 of 2025 etc, dated 01.06.2026, wherein, this Court has sustained the principle pay and recover ordered by the Tribunal in similar circumstances.



C.M.A(MD)No.1375 of 2025

WEB COPY

10. 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.

11. 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.

12. 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



C.M.A(MD)No.1375 of 2025

To
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1. Principal District Judge, Kaur.
2. The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.1375 of 2025

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

PKN

C.M.A(MD)No.1375 of 2025

15.06.2026