

C.M.A(MD)No.1192 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.1192 of 2025
and CMP (MD) No.16692 of 2025**

The Branch Manager
M/s.Oriental Insurance Company Limited
No.2851/235, Kamala Subramanian Arcade
1st Floor, Trichy Main Road
Thanjavur Town and District.

... Appellant

Vs.

1. Vanitha
2. Hariharan
3. Hariprasad
4. Shalini
5. Jeganathan



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6. Thenammal

7. Pravinkumar

... Respondents

PRAYER:-

J-1. Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the order of the tribunal of MACT cum Special District Court, Thanjavur made in MCOP.No.84 of 2024 dated 21-04-2025 and allow the appeal with costs.

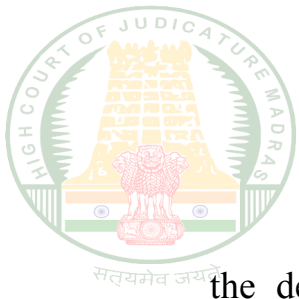
For Appellant : Mr. C.Jawahar Ravindran

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 cum Special District Court, Thanjavur in MCOP No.84 of 2024 dated 21.04.2025.

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



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the deceased and fifth and sixth respondents are the parents of the deceased. The case of the respondents is that on 03.09.2023, at about 7.20 p.m., the deceased was riding a two-wheeler and at that point of time, another two wheeler belonging to the seventh 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 Thiruvavarur Government Medical College and Hospital where the deceased succumbed to the injuries on 03.09.2023. An FIR came to be registered in Crime No. 513 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 driver of the offending vehicle.



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4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.19,61,100/-under the following heads:

Head	Amount
Spousal Consortium to the 1st respondent	Rs. 48,000/-
Parental Consortium to 2nd to 4th respondents	Rs.1,44,000/-
Filial Consortium to 5th and 6th respondents	Rs.96,000/-
Funeral Expenses	Rs.18,000/-
Loss of estate	Rs.21,600/-
Loss of income	Rs. 16,33,500/-
Total	Rs.19,61,100/-

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.



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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.

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.



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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.

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



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amount in the proportion as fixed by the tribunal. No costs.

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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

To

1. MACT cum Special District Court, Thanjavur.

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



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