

C.M.A(MD)No.891 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2026

CORAM:

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

**C.M.A(MD)No.891 of 2025
and CMP(MD) No.13765 of 2025**

The Branch Manager
The New India Assurance Company Limited
Sethu Amirtham Towers
First Floor Seenivasampillai Road
Thnanjavur.

Appellant(s)

Vs

1. Rajasekar
S/o.Late.Rajendran
No.2/207 Periyar Nagar
Azhagiyamanavalam Ariyalur Taluk and District.

2. Rajkiran
S/o.Late.Rajendran
No.2/207 Periyar Nagar
Azhagiyamanavalam Ariyalur Taluk and District.

3. Bharathi
S/o.Late.Rajendran
No.2/207 Periyar Nagar
Azhagiyamanavalam Ariyalur Taluk and District.



C.M.A(MD)No.891 of 2025

4. Shahul Hameed
S/o. Mohamed Sulthan
No.15 Bharathidasan Street
Periyakaalapper Shalpet
Puducherry.

Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the award passed in M.C.O.P.No.301 of 2024 dated 01-04-2025 on the file of the Motor Accidents Claims tribunal Special District court, Thanjavur.

For Appellant(s): Mr.J.S.Murali

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 Court, Thanjavur in M.C.O.P.No.301 of 2024 dated 01.04.2025.

2. The respondents 1 to 3 are the claimants. They are the sons and daughter of the deceased respectively. The case of the respondents/claimants is that on 07.12.2023, at about 08.15 p.m., the



C.M.A(MD)No.891 of 2025

WEB COPY

deceased was the pillion rider in the two-wheeler. At that point of time, the 4th respondent's car, which was driven by the driver in a rash and negligent manner and dashed against the rear side of the two-wheeler of the deceased, as a result of which the deceased sustained grievous injuries and was admitted as an inpatient in Government Hospital, Thiruvaiyaru. Subsequently she succumbed to the injuries and declared brought dead. An FIR came to be registered in Crime No. 312 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 driver of the offending vehicle belonging to the 4th respondent.

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



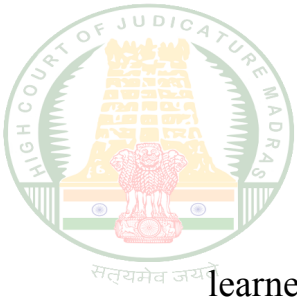
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Head	Amount
Loss of Income	Rs.14,52,000/-
Parental Consortium to the children of the deceased	Rs. 1,44,000/-
Funeral expenses	Rs. 18,000/-
Loss of estate	Rs. 21,600/-
Total	Rs.16,35,600/-

5. The above compensation amount of Rs.16,35,600/- was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition till the date of deposit. 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 and therefore, pay and recover ought not to have been ordered.

7. This Court carefully considered the submissions made by the



C.M.A(MD)No.891 of 2025

WEB COPY

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 fixed a fair and just compensation and it does not require the interference of this Court.

10. In the result, this Civil Miscellaneous Appeal stands disposed. It is brought to the notice of this court that already 75% of the



C.M.A(MD)No.891 of 2025

WEB COPY

award amount has been deposited by the appellant. There shall be a direction to the appellant / Insurance Company to deposit the remaining 25% of the compensation amount along with interest to the credit of M.C.O.P No.301 of 2024 on the file of the Motor Accident Claims Tribunal, cum Special District Court, Thanjavur, within a period of four 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. Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.]

[K.K.R.K, J.]

19.06.2026

NCC :Yes/No
Index :Yes/No
RR



C.M.A(MD)No.891 of 2025

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- To
- 1.The Motor Accident Claims Tribunal/
Special District Court
Thanjavur
 - 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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C.M.A(MD)No.891 of 2025

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AND
K.K.RAMAKRISHNAN,J.

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C.M.A(MD)No.891 of 2025

19.06.2026