

C.M.A(MD)No.346 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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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.346 of 2025
and
CMP.(MD).No.6061 of 2025**

M/s. ICICI Lambard General Insurance Company Limited,
Through its Branch Manager,
Office at No. 5, United Arcade,
3rd Floor, Karur Bypass Road,
Annamalai Nagar, Tiruchirappalli ... Appellant

Vs.

1.Sulochana
W/o. Gopalakrishnan (Late)
2.Hemavathe
S/o. Gopalakrishnan (Late)
3.Minor. Khalaiarasi
D/o. Gopalakrishnan (Late)
4.Minor. Koushik
S/o. Gopalakrishnan (Late)
(3rd and 4th minor respondents are represented by their mother and
natural guardian , Sulochana the 1st respondent)



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5. Eshwari

W/o. Ramasamy (late)

6. Abinaya

D/o. Ilayaperumal

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the fair order made in M.C.O.P.No.1055 of 2022 dated 12.04.2024 on the file of the Motor Accident Claims Tribunal, cum Special District Judge No.II for MCOP cases, Tiruchirappalli.

For Appellant : Mr.N.Shyllappakalyan

For Respondents : Mr. R. Sakthivel

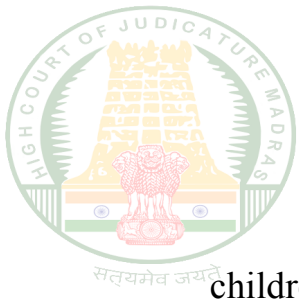
for R1 to R5

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 Accident Claims Tribunal, cum Special District Judge No.II to deal with MCOP cases, Tiruchirappalli in M.C.O.P.No.1055 of 2022 dated 12.04.2024.

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



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children of the deceased and the fifth respondent is the mother of the deceased. The case of the respondent is that on 13.09.2022, at about 10.30 p.m., the deceased was riding his two-wheeler and had halted to cross the road. At that point of time, the driver of the two-wheeler belonging to the sixth respondent, drove the same 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 admitted as an in-patient in the Government Hospital, Trichy, where he underwent treatment till 16.09.2022. Despite treatment, he succumbed to the injuries on 16.09.2022. An FIR came to be registered in Crime No. 172 of 2022. It is under these circumstances, the claim petition came to be filed.

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 sixth respondent.



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4. Having rendered the above finding, the Tribunal proceeded

to determine the compensation amount in the following manner:

Head	Amount
Loss of Income	Rs.39,37,416/-
Pain and sufferings	Rs. 50,000/-
Transportation Expense	Rs. 3,000/-
Attender Charges	Rs. 4,000/-
Spousal Consortium to the 1 st respondent, wife of the deceased	Rs. 48,400/-
Parental Consortium to the 2 nd to 4 th respondents, children of the deceased	Rs. 1,45,200/-
Filial Consortium to the 5 th respondent, mother of the deceased	Rs. 48,400/-
Loss of Estate	Rs. 18,150/-
Funeral Expenses	Rs. 18,150/-
Total	Rs.42,72,716/-

The above compensation amount of Rs.42,72,716/- 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.



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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.

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.



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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 already 75% of the 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. 1055 of 2022 on the file of the Motor Accident Claims Tribunal, cum Special District Judge No.II to deal with MCOP cases, Tiruchirappalli, 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



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- To
- 1.The Motor Accident Claims Tribunal,
cum Special District Judge No.II
for MCOP cases, Tiruchirappalli.
 - 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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AND
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