



C.M.A(MD)No.1313 of 2025

WEB COPY

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.1313 of 2025
and CMP (MD) No.17982 of 2025**

The Manager (Legal),
Cholamandalam General Insurance Company Ltd.,
3 & 4 Dindigul High Road,
Near Sri ENT Hospital
Kalavasal, Madurai.

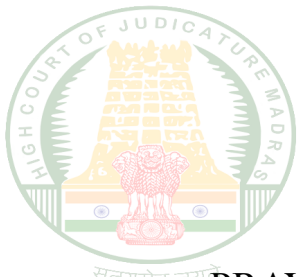
Branch Office:
Cholamandalam General Insurance Company Ltd.,
ER Selvam Towers, Near Co-optex,
New Housing Unit Near Banyan Tree,
Pudukottai Salai,
Thanjavur City.

... Appellant

Vs.

1.Rajavel
2. Elizabethrani

... Respondents



C.M.A(MD)No.1313 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Award dated 06.03.2025 passed in M.C.O.P.No. 898 of 2023 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Thanjavur and allow the Civil Miscellaneous Appeal and thus render justice.

For Appellant : Ms. K.R.Shivashankari

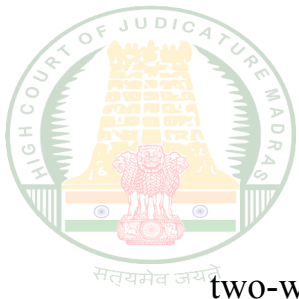
For Respondents : No appearance

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 Sub Court, Thanjavur in M.C.O.P.No. 898 of 2023 dated 06.03.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 28.05.2023, at about 7.00 p.m., while the first respondent was proceeding on the road as a pedestrian, the rider of the



C.M.A(MD)No.1313 of 2025

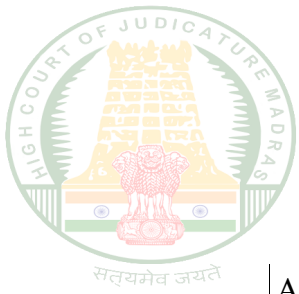
WEB COPY

two-wheeler belonging to the second respondent rode the same in a rash and negligent manner and dashed against the first respondent from behind, as a result of which, the first respondent sustained grievous injuries and was admitted at Thiruvarur Government Medical College and Hospital, till 31.05.2023. An FIR came to be registered in Crime No. 266 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.

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

Head	Amount
Disability	Rs.50,000/-
Pain and Suffering	Rs.15,000/-
Extra Nourishment	Rs.10,000/-



C.M.A(MD)No.1313 of 2025

WEB COPY

Attender Charges	Rs. 5,000/-
Loss of Income	Rs.20,000/-
Loss of Convenience	Rs.40,000/-
Loss of Clothing and valuables	Rs.5,000/-
Transportation Charges	Rs.5,000/-
Total	Rs.1,50,000/-

The above compensation amount of Rs.1,50,000/- 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.

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.



C.M.A(MD)No.1313 of 2025

WEB COPY

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.

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. 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.



C.M.A(MD)No.1313 of 2025

WEB COPY

10. 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.1313 of 2025

To
WEB COPY

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



WEB COPY



C.M.A(MD)No.1313 of 2025

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

PKN

C.M.A(MD)No.1313 of 2025

15.06.2026