

C.M.A(MD)No.521 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 05.06.2026

CORAM:

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

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1.M.Sarasu

2.R.Murugesan

... Appellants

Vs.

1.Om Sai Minerals LLP,
represented through its Manager

2.The New India Assurance Company Company Limited,
through its Manager, T.P.Hub

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order passed by the Special District Court to deal with Motor Accident Cases-Madurai in M.C.O.P.No.1533 of 2023 dated 23.10.2024.

For Appellants : Mr.C.Godwin



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For R-2 : Mr.N.Shyllappakalyan

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 claimants challenging the award passed by the Motor Accident Claims Tribunal on the file of the Special District Court to deal with Motor Accident cases, Madurai in M.C.O.P.No.1533 of 2023 dated 23.10.2024.

2. The appellants are the claimants. The appellant No.s 1 & 2 are the parents of the deceased. The case of the claimants is that on 20.04.2022, at about 04.15 p.m., the deceased was riding a two-wheeler and at that point of time, the offending vehicle which belongs to the first respondent was driven in a rash and negligent manner without holding a valid driving license and it dashed against the two wheeler, as a result of which, the deceased sustained grievous injuries and was taken to the JCB Hospital. The deceased was subsequently referred to the Government Hospital, Dindigul for further treatment, however, the deceased



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succumbed to the injuries while being transported to the hospital. An FIR came to be registered and 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 offending vehicle of the first respondent.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.26,36,800/- under the following heads:

Head	Amount
Loss of Income	Rs.25,21,800/-
Loss of Filial Consortium	Rs.80,000/-
Funeral Expenses	Rs.15,000/-
Loss of Estate	Rs.15,000/-
Transport Expenses	Rs.5,000/-
Total	Rs.26,36,800/-



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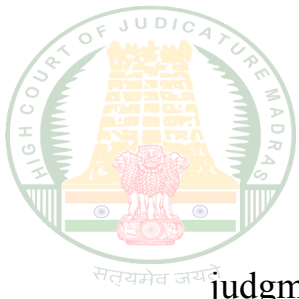
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5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum. However, considering the fact that the driver of the offending vehicle did not possess a valid driving license, the first respondent was directed to pay the compensation.

6. The claimants have filed the present appeal mainly on the ground that the first respondent's driver did not possess a valid driving license and therefore, pay and recover should have been ordered to the Insurance Company.

7. This Court carefully considered the submissions made by the learned counsel appearing for the appellants and also the award passed by the Tribunal.

8. The ground that was taken by the learned counsel appearing for the appellants is to the effect that the Tribunal should have ordered for pay and recover. The said ground is squarely covered by the



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judgment of this Court in a batch of appeals in CMA.(MD).No.517 of 2025 etc, dated 01.06.2026. This Court is of the view that the Tribunal ought to have applied the principle of pay and recover. Consequently, the award passed by the Tribunal directing the first respondent to pay the compensation amount to the claimants is liable to be interfered by this court.

9. 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.

10. In the result, this Civil Miscellaneous Appeal stands disposed. There shall be a direction to the Second respondent / Insurance Company to deposit the entire compensation amount along with interest to the credit of M.C.O.P No.1533 of 2023 on the file of the Motor Accident Claims Tribunal on the file of the Special District Court to deal with Motor Accident cases, Madurai, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimants



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will be entitled to withdraw the same in the proportion as fixed by the Tribunal. No costs.

[N.A.V., J.]

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

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NCC :Yes/No
Index :Yes/No
TSG

To

1.The Special District Court to deal with MCOP Cases, Madurai.

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



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AND
K.K.RAMAKRISHNAN,J.

TSG

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