



C.M.A(MD)No.705 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2026

CORAM:

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

**C.M.A(MD)No.705 of 2023
and C.M.P(MD) No.9622 of 2023**

The Branch Manager,
TATA AIG General Insurance Company Limited,
No.70 Nallaiya Complex, Seenivasan Pillai Street,
Thanjavur Corporation
Thanjavur District

... Appellant

Vs.

1.Premkumar

2.Devaki

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the judgement and decree passed in M.C.O.P.No.795 of 2021 on the file of the Motor Accident Claims Tribunal/Special Sub Court, Thanjavur dated 09.03.2023.

For Appellant : Mr.J.S.Murali

For Respondents : No appearance



C.M.A(MD)No.705 of 2023

WEB COPY

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 Subordinate Court, Thanjavur, in M.C.O.P. No. 795 of 2021 dated 09.03.2023.

2. The first respondent is the claimant. The case of the first respondent is that on 14.04.2021 at about 9.00 p.m., the first respondent was a stander-by on the road. At that point of time, the driver of the two-wheeler belonging to the second respondent, drove the same in a rash and negligent manner and dashed against the two-wheeler of the first respondent from behind, as a result of which the first respondent sustained grievous injuries and was admitted at Navajeevan Multispeciality Hospital till 18.04.2021 for treatment. An FIR came to be registered in Crime No. 450 of 2021. It is under these circumstances,



C.M.A(MD)No.705 of 2023

WEB COPY

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. 1,00,000/-
Pain and Suffering	Rs. 50,000/-
Extra Nourishment	Rs. 15,000/-
Attender Charges	Rs. 3,000/-
Loss of Convenience	Rs. 25,000/-
Damages to clothes and other valuables	Rs. 2,000/-
Transportation Expenses	Rs. 5,000/-
Loss of Income	Rs. 25,000/-
Total	Rs. 2,00,000/-

The above compensation amount of Rs.2,00,000/- was directed to be paid



C.M.A(MD)No.705 of 2023

WEB COPY

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.

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



C.M.A(MD)No.705 of 2023

WEB COPY

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 50% of the compensation amount has already been deposited before the tribunal.

10. In the result, this Civil Miscellaneous Appeal stands disposed. There shall be a direction to the appellant/Insurance Company to deposit the remaining 50% of the compensation amount along with interest to the credit of M.C.O.P No. 795 of 2021 on the file of the Motor Accident Claims Tribunal/ Special Subordinate Court, Thanjavur, within a period of six weeks from the date of receipt of a copy of this



C.M.A(MD)No.705 of 2023

WEB COPY

order. On such deposit, the claimants will be entitled to withdraw the remaining compensation 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.]
18.06.2026

NCC :Yes/No
Index :Yes/No

RR
To

- 1.The 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.705 of 2023

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

RR

C.M.A(MD)No.705 of 2023

18.06.2026