

C.M.A(MD)No.987 of 2025

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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.987 of 2025
and CMP (MD) No.14945 of 2025**

The Branch Manager
Future Generali India
Life Insurance
II Floor, Selva Nirmala Complex
C-87, 5th Cross, Thillai Nagar
Post Station Road,
Trichy – 620 018.

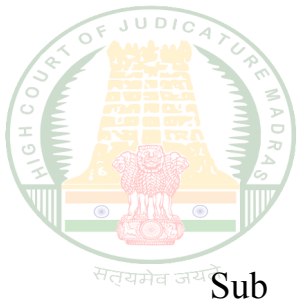
... Appellant

Vs.

1. Isravel
2. Mohammed Kani

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Award passed in MCOP No.458 of 2020 on the file of the Motor Accident Claims Tribunal (III Additional



C.M.A(MD)No.987 of 2025

Sub Judge) Trichirapalli dated 28.07.2023 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 MCOP No.279 of 2023 dated 09.04.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 30.09.2022, at about 6.30 p.m., the first respondent was travelling as a co-passenger in a car belonging to his son and at that point of time, the auto rickshaw belonging to the second respondent herein was driven in a rash and negligent manner and dashed against the



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car, as a result of which, the first respondent sustained grievous injuries and was admitted as an in-patient at Thanjavur Medical College and Hospital till 13.10.2022. An FIR came to be registered in Crime No. 464 of 2022. 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 driver of the offending vehicle.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.6,05,000/-under the following heads:

Head	Amount
Disability	Rs.2,70,000/-
Pain and Suffering	Rs.60,000/-
Extra Nourishment	Rs.40,000/-
Attender Charges	Rs.20,000/-



C.M.A(MD)No.987 of 2025

Loss of Income	Rs.40,000/-
Loss of Convenience	Rs. 1,50,000/-
Damage to clothes and other valuables	Rs.5,000/-
Transportation Expenses	Rs.20,000/-
Total	Rs.6,05,000/-

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, 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 respondent did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.



C.M.A(MD)No.987 of 2025

WEB COPY

7. This Court carefully considered the submissions made by the 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 first ground that was raised by the learned counsel appearing for the appellant, the same is squarely covered by the judgment passed by this Court in a batch of appeals in CMA.(MD).No. 517 of 2025 etc, dated 01.06.2026, wherein, this Court has sustained the principle pay and recover ordered by the Tribunal in similar circumstances.



C.M.A(MD)No.987 of 2025

WEB COPY

10. 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.

11. 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.

12. 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.987 of 2025

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- To
1. Motor Accident Claims Tribunal (III Additional Sub Judge)
Trichirapalli.
 2. The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.987 of 2025

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

PKN

C.M.A(MD)No.987 of 2025

15.06.2026