



C.M.A(MD)No.1200 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2026

CORAM:

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

**C.M.A(MD)No.1200 of 2016
and C.M.P(MD) No.10548 of 2016**

The Oriental Insurance Company Ltd.,
Through its Divisional Manager,
Sivasakthi Shopping Complex,
Door No.24E 12A S.N.High Road
Tirunelveli.

... Appellant

Vs.

1.Subbiah

2.Ayyathurai

... 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.667 of 2023 on the file of the Motor Accident Claims Tribunal/Special Sub Judge, Tirunelveli District, dated 25.03.2014.

For Appellant : Mr.S.Veeranasamy

For Respondent : Mr.V.Sasikumar for R1



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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, Tirunelveli Special Sub Judge, Tirunelveli, in M.C.O.P. No.762 of 2013 dated 25.03.2014.

2. The first respondent is the claimant. The case of the first respondent is that on 24.04.2013 at about 9.00 a.m., the first respondent was a pedestrian on the road. At that point of time, the rider of the two-wheeler belonging to the second respondent, rode the same in a rash and negligent manner and dashed against the first respondent, as a result of which the first respondent sustained grievous injuries and was admitted at the Tirunelveli Government Hospital from 24.04.2013 till 04.05.2013 for treatment. An FIR came to be registered in Crime No. 119 of 2013. It is under these circumstances, the claim petition came to be filed before the tribunal.



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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
Partial Permanent Disability	Rs. 1,51,200/-
Loss of Income	Rs. 27,000/-
Transportation Expenses	Rs. 5,000/-
Extra Nourishment	Rs. 15,000/-
Attender Charges	Rs. 5,000/-
Pain and sufferings	Rs. 40,000/-
Future prospects	Rs. 50,000/-
Total	Rs. 2,93,200/-

The above compensation amount of Rs.2,93,200/- was directed to be paid along with interest at the rate of 9% 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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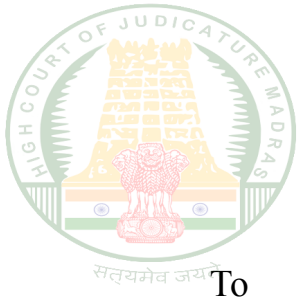
8. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has fixed a fair and just compensation and it does not require the interference of this Court.

9. It is brought to the notice of this court by the learned counsel appearing for the insurance company that the entire compensation amount has already been deposited before the tribunal and this court has already directed the claimants to withdraw 50% of the compensation amount.

10. In the result, this Civil Miscellaneous Appeal stands disposed. The claimants will be entitled to withdraw the remaining compensation along with the accrued interest 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.]
23.06.2026

NCC :Yes/No
Index :Yes/No
RR



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



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RR

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