



C.M.A(MD)No.1334 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.06.2026**

**CORAM:**

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH  
AND  
THE HON'BLE MRS JUSTICE S.SRIMATHY**

**C.M.A(MD)No.1334 of 2025**

**and**

**CMP.(MD).No.18121 of 2025**

ICICI Lombard General Insurance Company Limited,  
Through its Branch Manager,  
Having its office at No. 42/1, Bishop Complex,  
Pudhukottai Main Road,  
Thanjavur

... Appellant

Vs.

1.Amutha  
W/o. Rajendran  
2.Nithya  
W/o. Vivek  
3.Silambarasan  
S/o. Rajendran  
4.Ilavarasan  
S/o. Rajendran  
5. Ebinesan  
S/o. Devadas

... Respondents

**PRAYER:-** Civil Miscellaneous Appeal filed under Section 173 of the  
Motor Vehicles Act, 1973, to set aside the order made in M.C.O.P.No.388

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of 2024 dated 17.04.2025 on the file of the Motor Accident Claims Tribunal, cum Special District Judge to deal with MCOP cases, Thanjavur in M.C.O.P.No.388 of 2024.

For Appellant : Mr.N.Shyllappa Kalyan  
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, cum Special District Judge to deal with MCOP cases, Thanjavur in M.C.O.P.No.388 of 2024 dated 17.04.2025.

2. The respondents are the claimants. The first respondent is the wife of the deceased and the second to fourth respondents are the children of the deceased. The case of the respondent is that on 27.12.2023, at about 8.15 p.m., the deceased was a pedestrian on the road. At that point of time, the fifth respondent rode the two-wheeler in a rash and negligent manner and dashed the deceased, as a result of which,



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the deceased sustained grievous injuries in the accident and was admitted as an in-patient in Thanjavur Medical College and Hospital and underwent treatment till 29.12.2023. Despite undergoing treatment, he succumbed to the injuries on the same day. An FIR came to be registered in Crime No. 171 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 belonging to the fifth respondent.

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



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| Head                                                                                                | Amount         |
|-----------------------------------------------------------------------------------------------------|----------------|
| Loss of Income                                                                                      | Rs.21,93,828/- |
| Spousal Consortium to the 1 <sup>st</sup> respondent, wife of the deceased                          | Rs.48,000/-    |
| Parental Consortium to the 2 <sup>nd</sup> to 4 <sup>th</sup> respondents, children of the deceased | Rs.1,44,000/-  |
| Funeral Expenses                                                                                    | Rs.18,000/-    |
| Loss of Estate                                                                                      | Rs.21,600/-    |
| Total                                                                                               | Rs.24,25,428/- |

The above compensation amount of Rs.24,25,428/- 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.



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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.

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



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amount has already been deposited before the Tribunal.

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.]

[S.S.Y., J.]

08.06.2026

NCC :Yes/No

Index :Yes/No

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To

1.The Motor Accident Claims Tribunal, cum Special District Judge to deal with MCOP cases, Thanjavur

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



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**N. ANAND VENKATESH,J.**  
**AND**  
**S.SRIMATHY,J.**

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