

C.M.A(MD)No.205 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**

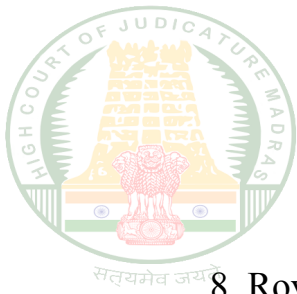
**C.M.A(MD)No.205 of 2025
and CMP(MD) No.3311 of 2025**

M/s.United India Insurance Company Ltd.,
Through its Manager,
Office at New Door No.23, Old Door No.81,
Sival Arul Building,
Nainiyappa Naicker Street,
Park Town, Chennai.

... Appellant(s)

Vs.

1. Samuthiramaray
2. Minor.Wilson Jose
3. Minor.Vimal Jose
4. Arockiapitchai
5. Arockiathai
(Minor R2 to R5 rep. through their mother and guardian/R1)
6. Gurunathan
7. S.R.Gopalakirshnan



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8. Royal Sundaram General Insurance Company Ltd,
1st Floor, Gandhi Road,
West Tambaram, Chennai.
(R6 to R8 given up)

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Tribunal of MACT cum Sub Court, Uthamapalayam made in MCOP No.80 of 2018 dated 01.03.2024.

For Appellants : Mr. C.Jawahar Ravindran
For Respondents : Mr.J.Thomas Rajadurai
for R1,R4,R5
Mr.R6 & R8 given up

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 Sub Court, Uthamapalayam in M.C.O.P.No.80 of 2018 dated 01.03.2024.

2. The respondents are the claimants. The first respondent is the wife of the deceased, the second and third respondents are the sons of the deceased and the fourth and fifth respondents are the parents of the

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deceased. The case of the respondent is that on 27.06.2018, at about 5.00 a.m., the deceased was travelling in an Eicher vehicle along with his co-employees from Bangalore to Chennai. At that point of time, the driver of the container lorry belonging to the sixth respondent drove the vehicle in a rash and negligent manner and collided with the Eicher vehicle driven by the deceased, as a result of which, the fuel tank of the container lorry exploded upon impact, causing fatal injuries to the employees travelling in the Eicher vehicle. The deceased sustained grievous injuries in the accident and subsequently succumbed to the injuries on the same day. An FIR came to be registered in Crime No. 332 of 2018. 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 sixth respondent.



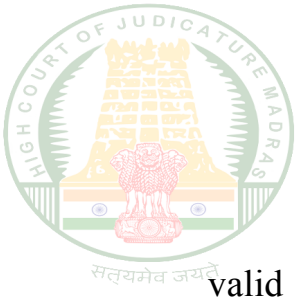
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4. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

Head	Amount
Loss of Income	Rs.52,92,000/-
Spousal Consortium to the 1 st respondent, wife of the deceased	Rs. 44,000/-
Parental and Filial Consortium to the 2 nd to 5 th respondents, sons and parents of the deceased	Rs. 1,76,000/-
Loss of Estate	Rs. 16,500/-
Funeral Expenses	Rs. 16,500/-
Total	Rs.55,45,000/-

The above compensation amount of Rs.55,45,000/- 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 permit, 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



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valid permit 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.

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.



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9. 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.

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
RR

To

1.The MACT cum Sub Court, Uthamapalayam.

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



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