



C.M.A(MD)No.188 of 2025

WEB COPY

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.188 of 2025
and CMP.(MD).No.3074 of 2025**

The Oriental Insurance Company Ltd
Through its Divisional Manager
having office at No.6A,
Pangar Dharmasala Building
3rd Floor, West Veli Street,
Madurai – 625 001.

... Appellant(s)

Vs.

1. Sivamani
2. Minor Loganayaki
3. Minor Lavanya,
4. Minor Lathika,
5. Minor Pranav Rakshan
(Minor Respondent Nos. 2 to 5
Rep by Natural Mother/ Guardian)
6. Muthu
7. Songammal
8. M/s.Shree Harivel Total Solution,
Plot No.3, Lawyers Garden,
State Bank 1st Colony, Bypass Road,
Madurai -625 016.

... Respondents



C.M.A(MD)No.188 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Tribunal of MACT cum Special District Court, Madurai made in MCOP .No. 1817/2022, dated 22.12.2023.

For Appellants : Mr. C.Jawahar Ravindran
For Respondents : Mr.V.R.G.Mohan for R1 to R7
(R2 to R5 rep. by R1)
R8 – 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 Court, Madurai in M.C.O.P.No.1817 of 2022 dated 22.12.2023.

2. The respondents are the claimants. The first respondent is the wife of the deceased, the second to fifth respondents are the children of the deceased and sixth and seventh respondents are the parents of the deceased. The case of the respondent is that on 02.05.2022, at about 1.00 p.m., the deceased was riding his two-wheeler and at that point of time,

2/7



C.M.A(MD)No.188 of 2025

WEB COPY

the driver of the bus belonging to the eighth respondent drove the vehicle in a rash and negligent manner and dashed against the two-wheeler of the deceased, as a result of which the deceased sustained grievous injuries and was immediately taken to the Batlagundu Government Hospital for treatment. Despite treatment, he succumbed to the injuries on the very same day. An FIR came to be registered in Crime No. 166 of 2022. 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 eighth respondent.

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



WEB COPY



C.M.A(MD)No.188 of 2025

Head	Amount
Loss of Dependency	Rs.25,20,000/-
Spousal Consortium to the 1 st respondent, wife of the deceased	Rs. 40,000/-
Parental Consortium to the 2 nd to 5 th respondents, children of the deceased	Rs. 1,60,000/-
Filial Consortium to the 6 th and 7 th respondents, parents of the deceased	Rs. 80,000/-
Transportation charges	Rs. 5,000/-
Funeral Expense	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Total	Rs.28,35,000/-

The above compensation amount of Rs.28,35,000/- 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 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.



C.M.A(MD)No.188 of 2025

WEB COPY

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 that already there was a direction to the appellant to deposit 75% of the award amount.



C.M.A(MD)No.188 of 2025

WEB COPY

10. In the result, this Civil Miscellaneous Appeal stands disposed. There shall be a direction to the appellant / Insurance Company to deposit the remaining 25% of the compensation amount along with interest to the credit of M.C.O.P No. 1817 of 2022 on the file of the the Motor Accident Claims Tribunal cum Special District Court, Madurai, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimants will be entitled to withdraw the same 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 Special District Court, Madurai.

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



WEB COPY



C.M.A(MD)No.188 of 2025

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

RR

C.M.A(MD)No.188 of 2025

08.06.2026