



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2026

CORAM:

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

**C.M.A(MD)No.422 of 2026
and
CMP.(MD).No.3953 of 2026**

Tata AIG General Insurance Company Limited,
through its Branch Manager

... Appellant

Vs.

1.Shanmugaraj

2.Veluthai

3.Kanagaraj

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order passed by the Motor Accident Claims Tribunal-cum-IV Additional District Judge in M.C.O.P.No.1602 of 2022 dated 28.02.2025.

For Appellant : Mr.N.Shyllappakalyan

For Respondents : Mr.A.Selvaraj



J U D G M E N T

**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

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This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal-cum-IV Additional District Judge, Thirunelveli in M.C.O.P.No.1602 of 2022 dated 28.02.2025.

2. The respondents are the claimants. The first and second respondents are the parents of the deceased. The case of the respondents is that on 07.08.2022, at about 7.00 p.m., the third respondent was riding a two-wheeler and at that point of time, the vehicle was driven in a rash and negligent manner at a high speed and capsized on the road, as a result of which, the deceased and the third respondent were thrown away from the two-wheeler and sustained grievous injuries. He was provided treatment as an in-patient till 14.08.2022 at the Government Hospital, Palayamkottai. Unfortunately, the deceased died on 14.08.2022 due to the injuries sustained in the accident. An FIR came to be registered in Crime No 299 of 2022. It is under these circumstances, the parents of the deceased filed the claim petition before the Tribunal.

4. 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 third respondent and he did not have a valid driving license.



5. Having rendered such finding, the Tribunal fixed the total compensation at Rs.

23,78,000/- under the following heads:

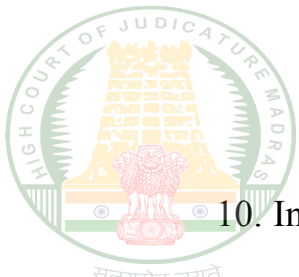
Head	Amount
Loss of Income	Rs.22,68,000/-
Loss of Estate	Rs.15,000/-
Funeral Expenses	Rs.15,000/-
Parental Consortium to the father and mother of the deceased	Rs.80,000/-
Total	Rs.23,78,000/-

6. The above compensation of Rs.23,78,000/- was directed to be paid along with interest at the rate of 7.5% per annum.

7. The Insurance Company has filed the present appeal mainly on the ground that the third respondent did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

8. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.

9. 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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10. Insofar as the 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.

11. 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.

12. 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.

13. 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.]

05.06.2026

NCC :Yes/No

Index :Yes/No

TSG



To

1.The Motor Accident Claims Tribunal-IV Additional District Judge, Tirunelveli.

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



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

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