



C.M.A(MD)No.1410 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 15.06.2026

CORAM:

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

**C.M.A(MD)Nos.1410 of 2025
and CMP (MD) No.18718 of 2025**

1. The Branch Manager
Cholamandalam MS General Insurance Co. Ltd.,
New Millennium Complex,
Nos.3 and 4, 1st floor,
Dindigul High Road, Kalavasal,
Madurai – 625 010.

... Appellants

Vs.

1. Gokila Eswari

2. Minor K. Kavi Muneesh
(Minor 2nd Respondent
Represented by His Mother and Natural
Guardian)

3. G. Pushpavalli



C.M.A(MD)No.1410 of 2025

WEB COPY

4. Gunasekaran

5. G.Rajendran

6. R.Rajkumar

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Award dated 06.03.2024 passed in MCOP No.460 of 2022 on the file of the Motor Accident Claims Tribunal, Special District Judge (MACT) Madurai and allow the Civil Miscellaneous Appeal.

For Appellant : Ms. K.R.Shivashankari

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, Special District Judge (MACT), Madurai, in M.C.O.P. No. 460 of 2022 dated 06.03.2024.



C.M.A(MD)No.1410 of 2025

WEB COPY

2. The respondents are the claimants. The first respondent is the wife of the deceased, the second respondent is the minor daughter of the deceased, the third and fourth respondents are the parents of the deceased and fifth respondent is the brother of the deceased. The case of the respondents is that on 17.01.2022 at about 4.45 p.m., the driver of the sixth respondent vehicle rode the two-wheeler along with a pillion rider in a rash and negligent manner and dashed against tar barrel, as a result of which the pillion rider sustained grievous injuries and was taken to multiple hospitals and consequently, he succumbed to the injuries at Government Hospital, Paramakudi. An FIR came to be registered in Crime No. 8 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 sixth respondent.



C.M.A(MD)No.1410 of 2025

WEB COPY

4. Having rendered the above finding, the Tribunal proceeded

to determine the compensation amount in the following manner:

Head	Amount
Loss of Income	Rs.33,62,304/-
Loss of Spousal Consortium	Rs. 40,000/-
Loss of Parental Consortium	Rs. 40,000/-
Loss of Filial Consortium	Rs. 80,000/-
Funeral Expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Transport Expenses	Rs. 5,000/-
Total	Rs. 35,57,304/-

The above compensation amount of Rs. 35,57,304/- 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 sixth respondent 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 sixth respondent vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.



C.M.A(MD)No.1410 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.



C.M.A(MD)No.1410 of 2025

WEB COPY

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.] [K.K.R.K., J.]
15.06.2026

NCC :Yes/No
Index :Yes/No
PKN



C.M.A(MD)No.1410 of 2025

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



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C.M.A(MD)No.1410 of 2025

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

PKN

C.M.A(MD)No.1410 of 2025

15.06.2026