



C.M.A(MD)No.1156 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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.1156 of 2025
and CMP (MD) No.16289 of 2025**

1.The Branch Manager
The Oriental Insurance Company Limited
No.6A, 1st floor,
AVM Building, North Cotton Road,
Thoothukudi.

2.The Branch Manager
The Oriental Insurance Company Limited
1st floor, Shivashakti Commercial Complex,
Nellaiyappar High Road,
Sripuram, Tirunelveli.

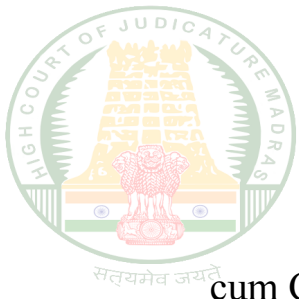
... Appellant

Vs.

1. Panneerselvam
2. Esakki

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of
Motor Vehicle Act to set aside the order of the Tribunal of MACT



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cum Chief Judicial Magistrate Court, Tirunelveli made in MCOP.No. 879 of 2023 dated 21-02-2025 and allow the appeal with costs.

For Appellant : Mr. C.Jawahar Ravindran

For Respondents : Mr.M.P.Senthil for R2

Mr.A.Selvaraj for R1

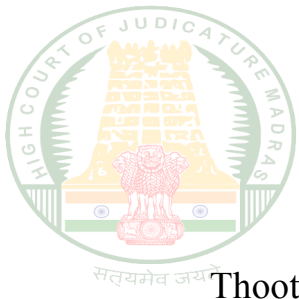
J U D G M E N T

**(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 Chief Judicial Magistrate Court, Tirunelveli in MCOP No.879 of 2023 dated 21.02.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 01.04.2023, at about 4.30 p.m., the first respondent was the pedestrian on the road and at that point of time, the second respondent rode the two wheeler in a rash and negligent manner and dashed against the first respondent. As a result of which, he sustained grievous injuries and was admitted as an in-patient at AVM Hospital,

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Thoothukudi till 10.04.2023. An FIR came to be registered in Crime No 53 of 2023. It is under these circumstances, the claim petition came to be filed before this 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 only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.2,68,850/- under the following heads:

Head	Amount
Loss of Income	Rs. 40,000/-
Transportation Expenses	Rs.5,000/-
Attender Charges	Rs.5,000/-
Extra Nourishment	Rs.10,000/-
Pain and Suffering	Rs.50,000/-
Medical Expenses	Rs. 1,58,850/-
Total	Rs.2,68,850/-



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5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum. However considering the fact that the driver of the offending vehicle was only in the possession of a learner's licence, had not displayed the sign board (L) on the vehicle and drove the vehicle without the supervision of the person holding a valid driving license, pay and recover was ordered.

6. 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, fitness certificate and also the deceased did not possess a valid driving license . Therefore, pay and recover ought not to have been ordered.

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



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8. 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.

9. Insofar as the first 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.

10. 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.



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11. 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.

12. 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



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To
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1. MACT cum Chief Judicial Magistrate Court, 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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