



C.M.A(MD)No.1432 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.1432 of 2025
and CMP (MD) No.18852 of 2025**

IFFCO TOKIO General Insurance
Company Limited,
Through its Manager,
IFFCO Sadan C1,
District Centre, Saket, New Delhi – 110017. ... Appellant

Vs.

1. Selva Ganesh
2. A.Thava Muniysamy
3. P.Ganesha Moorthi
4. Chola mandalam Ms General Insurance Co Ltd,
Through its Branch Officer,
No.3 and 4, Dindigul National High Road,
Nh 7, Kalavasal Arasardi, Madurai. ... Respondents

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PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the award dated 25th April 2025 passed in MCOP No.32 of 2023 on the file of the Motor Accident Claims Tribunal/Subordinate Judge of Thoothukudi by allowing this appeal.

For Appellant : Mr. V.Sakthivel

For Respondents : 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/Subordinate Judge, Thoothukudi, in M.C.O.P. No. 32 of 2023 dated 25.04.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 10.11.2022 at about 15.00 Hrs., while the first respondent was riding the two-wheeler, at that point of time, the driver of



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the lorry belonging to the second respondent drove the same in a rash and negligent manner and dashed against the two-wheeler of the first respondent from behind, as a result of which the first respondent sustained grievous injuries and was immediately taken to the Government Hospital, Thoothukudi and was later shifted to Laxmi Poly clinic, Tuticorin and was admitted as an in-patient till 07.12.2022. An FIR came to be registered in Crime No. 334 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 second respondent.

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



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Head	Amount
Disability	Rs. 70,000/-
Attendance Charges	Rs. 10,000/-
Pain and Sufferings	Rs. 70,000/-
Transport to Hospital	Rs. 10,000/-
Extra Nourishment	Rs. 20,000/-
Loss of Convenience	Rs. 25,000/-
Loss of Income	Rs. 20,000/-
Medical Expenses	Rs. 2,85,502/-
Total	Rs.5,10,502/-

The above compensation amount of Rs.5,10,502/- 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 valid permit and therefore, pay and recover ought not to have been ordered.



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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 by the learned counsel appearing for the Insurance Company that the entire award



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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



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To
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1. Motor Accident Claims Tribunal/Subordinate Judge of Thoothukudi.
2. The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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AND
K.K.RAMAKRISHNAN,J.

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