

C.M.A(MD)No.874 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.874 of 2025
and CMP (MD) No.13580 of 2025**

The Divisional Manager
SBI General Insurance Co. Ltd.,
Divisional Office, Rohans Arcade,
No.29B, 2nd Floor,
Thillai Nagar Main Road,
Opp. to HP Petrol Bunk,
Trichy.

... Appellant

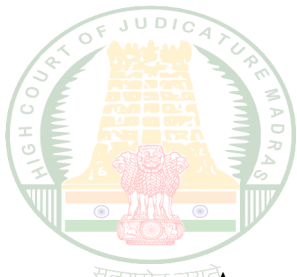
Vs.

1. K.Ganesh
2. M.Basheernisha

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the award in MCOP No.187 of 2023 on the file of the Motor Accident Claims Tribunal (The Special Subordinate Judge) Tiruchirappalli dated 2.6.2025 and allow this Civil Miscellaneous

1/8



C.M.A(MD)No.874 of 2025

WEB COPY

Appeal and thus render justice.

For Appellant : Mr. R.Ramadurai

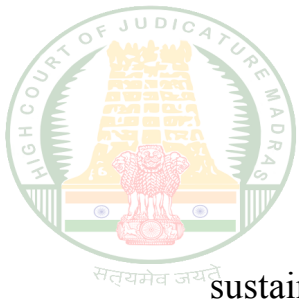
For Respondents : Mr.N.Sudhagar Nagaraj

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 (The Special Subordinate Judge), Tiruchirappalli in MCOP No. 187 of 2023 dated 02.06.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 10.04.2023, at about 7.45p.m., the first respondent was a pedestrian standing at the corner of the road and at that point of time, the two-wheeler belonging to the second respondent who is a minor herein had rode the same in a rash and negligent manner and dashed against the first respondent, as a result of which, the first respondent



C.M.A(MD)No.874 of 2025

WEB COPY

sustained grievous injuries and was admitted as an in-patient at the Government Hospital, Trichy. An FIR came to be registered in Crime No 152 of 2023. It is under these circumstances, the claim petition came to be filed before this 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 offending vehicle.

5. Having rendered such finding, the Tribunal fixed the total compensation at Rs.4,47,000/- under the following heads:

Head	Amount
Disability Compensation	Rs.1,80,000/-
Loss of Income	Rs.45,000/-
Loss of Amenities	Rs.50,000/-
Attender Charges	Rs.30,000/-
Pain and Suffering	Rs.1,00,000/-
Transportation Charges	Rs. 20,000/-
Extra Nourishment	Rs. 20,000/-



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C.M.A(MD)No.874 of 2025

Damages to clothes and other valuables	Rs.2,000/-
Total	Rs.4,47,000/-

6. 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 did not possess a valid driving license, pay and recover was ordered.

7. The Insurance Company has filed the present appeal mainly on the ground that the driver of the offending vehicle 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.



C.M.A(MD)No.874 of 2025

WEB COPY

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.

10. 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.

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.



C.M.A(MD)No.874 of 2025

WEB COPY

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 and this Court has permitted to withdraw 50% of the amount that was deposited.

13. In the result, this Civil Miscellaneous Appeal stands dismissed. The Claimants will be entitled to withdraw the remaining 50% of 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.874 of 2025

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



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C.M.A(MD)No.874 of 2025

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

PKN

C.M.A(MD)No.874 of 2025

15.06.2026