

C.M.A(MD)No.194 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2026

CORAM:

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

**C.M.A(MD)Nos.194 of 2024
and CMP (MD) No.2365 of 2023**

The Branch Manager
The Oriental Insurance Co. Ltd.,
2nd Floor, Sathiyamoorthy Road,
Pudukottai District,
Office at No.6A, Ganesh Complex
2nd Floor, Lasons Road, Cantonment,
Trichy.

... Appellant

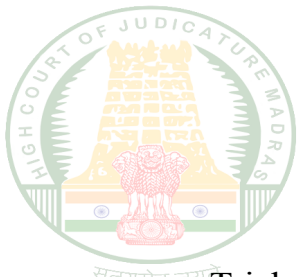
Vs.

1.Alagi
2.Subbaiah
3.Raveendran

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to modify the award dated 22.04.2023 made in M.C.O.P.No. 236 of 2020 on the file of learned Special District Court,

1/8



Trichy.
WEB COPY



C.M.A(MD)No.194 of 2024

For Appellant : Mr. A.Ilango

For Respondents : Mr.D.Boopal for R1 and R2

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 Special District Court, Trichy, in MCOP No. 236 of 2020 dated 22.04.2023.

2. The first respondent is the wife and the second respondent is the son of the deceased Subbiah. On 08.07.2019 at about 5.15AM, the deceased was standing in a mud road and at that point of time, the offending vehicle belonging to the third respondent was driven in a rash and negligent manner and it dashed on the deceased, as a result of which, the deceased succumbed to the injuries on 09.07.2019. 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 only due to the rash and negligent driving on the part of the offending vehicle.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs.9,71,200/- under the following heads:

Head	Amount
Loss of dependency	Rs.8,71,200/-
Transport expenses	Rs.10,000/-
Loss of consortium	Rs.35,000/-
Parental consortium	Rs.35,000/-
Funeral expenses	Rs.10,000/-
Loss of estate	Rs.10,000/-
Total	Rs. 9,71,200/-

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



C.M.A(MD)No.194 of 2024

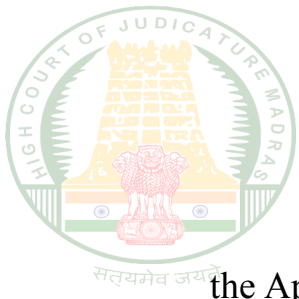
WEB COPY

the driver of the offending vehicle did not possess 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 respondent did not possess a valid driving license at the time of the accident and therefore, pay and recover ought to have been ordered by the Tribunal and whereas the Tribunal has shifted the entire burden on the appellant/insurance company and the owner of the offending vehicle.

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

8. In our considered view, the driver of the offending vehicle did not possess a valid driving license, therefore, the Tribunal ought to have applied the principle of pay and recover in line with the judgment of



C.M.A(MD)No.194 of 2024

WEB COPY

the Apex Court in in *National Insurance Co. v. Swaran Singh, 2004 (3) SCC 297*.

9. 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.

10. In the light of the above, the award passed by the Tribunal is modified to the effect that the appellant/insurance company will pay the compensation amount to the claimants and will be entitled to recover the same from the owner of the vehicle, namely, the third respondent herein.

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.



C.M.A(MD)No.194 of 2024

WEB COPY

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.]
19.06.2026

NCC :Yes/No
Index :Yes/No
PKN



C.M.A(MD)No.194 of 2024

To
WEB COPY

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



WEB COPY



C.M.A(MD)No.194 of 2024

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

PKN

C.M.A(MD)No.194 of 2024

19.06.2026