



C.M.A(MD)No.1216 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

**C.M.A(MD)No.1216 of 2022
and CMP.(MD).No.12449 of 2022**

The Divisional Manager
United India Insurance Company Ltd.
Divisional Office – I, (CUB)
No.4, Promenade Road,
Contonment, Trichy – 1.

... Appellant(s)

Vs.

1. Minor. Athithya
2. Minor. Jenneeshwar
(Minors R1 and R2 are Represented by
Their Mother and Natural Guardian the
3rd Respondent Herein) S/o. Late. Malarkannan
3. Kasthuri
4. Mohadeensha

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the award passed in M.C.O.P. No. 1116 of 2017 dated 12.07.2022 on the file of the Motor Accidents Claims Tribunal, Special District Court, Tiruchirappalli.

For Appellant : Mr. J.S.Murali



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For Respondents : Mr.V. Nirmal Kumar for R1 to R3

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 Court, Tiruchirappalli in M.C.O.P.No.1116 of 2017 dated 12.07.2022.

2. The respondents are the claimants. The first and second respondents are the sons of the deceased and the third respondent is the wife of the deceased. The case of the respondent is that on 23.08.2017, at about 10.15 p.m., the deceased was riding the two-wheeler and at that point of time, the fourth respondent who was riding another two-wheeler, drove the same in a rash and negligent manner and dashed against the two-wheeler of the deceased, as a result of which the deceased succumbed to the injuries on the same day. An FIR came to be registered in Crime No. 241 of 2017. It is under these circumstances, the claim



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petition came to be filed before the tribunal.

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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 fourth respondent.

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

Head	Amount
Loss of Dependency	Rs. 18,20,000/-
Transportation charges	Rs. 10,000/-
Loss of Estate	Rs. 10,000/-
Parental Consortium to 1 st and 2 nd respondent, sons of the deceased	Rs. 70,000/-
Loss of Consortium	Rs. 35,000/-
Funeral Expenses	Rs. 10,000/-
Total	Rs.19,55,000/-



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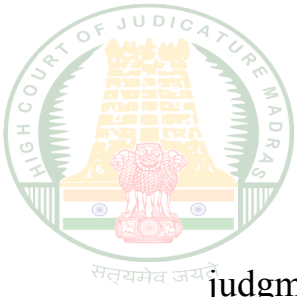
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The above compensation amount of Rs.19,55,000/- was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition. However considering the fact that the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

5. The Insurance Company has filed the present appeal mainly on the ground that the driver of the offending vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

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



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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 that already 50% of the award amount has been deposited by the appellant insurance company.

10. In the result, this Civil Miscellaneous Appeal stands disposed. There shall be a direction to the appellant/Insurance Company to deposit the remaining 50% of the compensation amount along with interest to the credit of M.C.O.P No.1116 of 2017 on the file of the Motor Accident Claims Tribunal, Special District Court, Tiruchirappalli,



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within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimants will be entitled to withdraw the same in the proportion as fixed by the Tribunal. No costs.

[N.A.V., J.]

[S.S.Y., J.]

08.06.2026

NCC :Yes/No

Index :Yes/No

RR

To

1.The Motor Accidents Claims Tribunal,
Special District Court, Tiruchirappalli .

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



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N. ANAND VENKATESH,J.
AND
S.SRIMATHY,J.

RR

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