

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2026

WEB COPY

CORAM:

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

C.M.A(MD)No.1065 of 2025

1.Elavarasi

2.Minor K.Siddhark

3.Minor K.Monish
(2nd and 3rd respondents are minor represented
by their mother and natural guardian,
the first appellant / Elavarasi)

4.Selvi

5.Natarajan

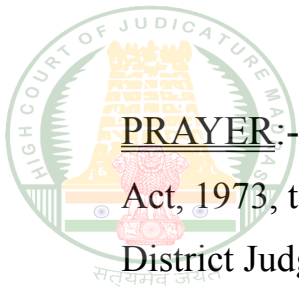
... Appellants

Vs.

1.Gopinathan

2.The Branch Manager,
MAGMA HDI General Insurance Company Limited,
Ground Floor,
Kingstone Park,
19/1, Puthar High Road,
Ramalinga Nagar,
Woraiyur,
Trichy-620 017.

... Respondents



PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order passed by the Motor Accident Claims Tribunal / Special District Judge-II, Trichirappalli in M.C.O.P.No.102 of 2023 dated 30.04.2024.

WEB COPY

For Appellant : Mr.N.Sudhagar Nagaraj

For R-2 : Mr.N.Shyllappakalyan

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 claimants challenging the award passed by the Motor Accident Claims Tribunal / Special District Judge -II, Tiruchirapalli in M.C.O.P.No. 102 of 2023 dated 30.04.2024.

2. The appellants are the claimants. The first appellant is the wife of the deceased, the second and third appellants are the children of the deceased and the fourth and fifth appellants are the parents of the deceased. The case of the appellants is that the deceased was a pedestrian standing on the road, at that point of time, the first respondent drove the two-wheeler in a rash and negligent manner and dashed against the deceased, as a result of which, the deceased sustained multiple grievous injuries and succumbed to the injuries at the Apollo Hospital, Karur. An FIR came to be registered in Crime No 275 of 2022. It is under these circumstances, the claim petition came to be filed before this Tribunal.

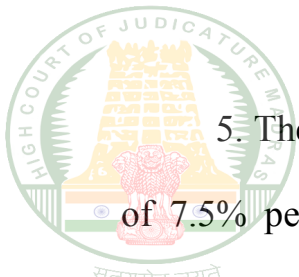


WEB COPY

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 and the driver of the offending vehicle did not have a valid driving license.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs. 34,91,300/- under the following heads:

Head	Amount
Loss of Income	Rs.32,13,000/-
Spousal Consortium to the 1 st appellant, the wife of the deceased	Rs.48,400/-
Parental Consortium to the 2 nd appellant, the minor son of the deceased	Rs.48,400/-
Parental Consortium to the 3 rd appellant, the minor son of the deceased	Rs.48,400/-
Filial Consortium to the 4 th appellant, the mother of the deceased	Rs.48,400/-
Filial Consortium to the 5 th appellant, the father of the deceased	Rs.48,400/-
Loss of Estate	Rs. 18,150/-
Funeral Expenses	Rs. 18,150/-
Total	Rs.34,91,300/-



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 did not possess a valid driving license, the first respondent was directed to pay the compensation.

6. The claimants have filed the present appeal mainly on the ground that the first respondent did not possess a valid driving license and therefore, pay and recover should have been ordered to the Insurance Company.

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

8. The ground that was taken by the learned counsel appearing for the appellants is to the effect that the Tribunal should 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. This Court is of the view that the Tribunal ought to have applied the principle of pay and recover. Consequently, the award passed by the Tribunal directing the first respondent to pay the compensation amount to the claimants is liable to be interfered by this court.

9. Insofar as the first ground that was raised by the learned counsel appearing for



the appellants, 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.

11. In the result, this Civil Miscellaneous Appeal stands disposed. There shall be a direction to the second respondent / Insurance Company to deposit the entire compensation amount along with interest to the credit of M.C.O.P No.102 of 2023 on the file of the Motor Accident Claims Tribunal cum Special District Judge-II, Trichirappalli within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited. 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.]

[K.K.R.K., J.]

05.06.2026

NCC :Yes/No

Index :Yes/No

TSG



To

1.The Motor Accident Claims Tribunal-Special District Judge-II, Tiruchirappalli.

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



WEB COPY



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

TSG

C.M.A(MD)No.1065 of 2025

05.06.2026