

C.M.A(MD)No.1277 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)No.1277 of 2025
and CMP (MD) No.17680 of 2025**

The Manager
Cholamandalam MS General Insurance Co. Ltd.,
Millenium Complex, First Floor,
Near Shree ENT Hospital,
Kalavasal, Madurai.

... Appellant
(in both appeals)

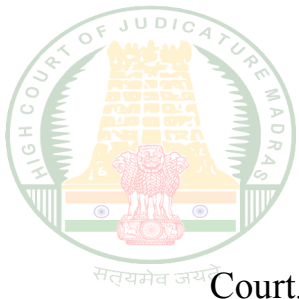
Vs.

1. S.Virumayee

2. A.Jayapandi

... 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.578 of 2023 on the file of Motor Accidents Claims Tribunal, IV Additional Sub-



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Court, Madurai, dated 17.03.2025 and allow the Civil Miscellaneous Appeal and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Appellant : Mr.C.Vakeeswaran

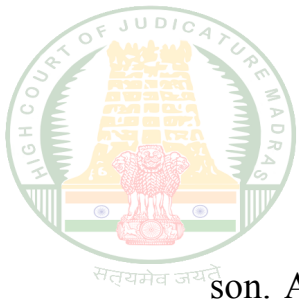
For Respondents : Mr.K.C.Ramalingam for R1

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, IV Additional Sub Court, Madurai in M.C.O.P. No. 578 of 2023 dated 17.03.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 23.01.2023 at about 9.00 a.m., the first respondent was seated as a pillion rider on the parked two wheeler belonging to her



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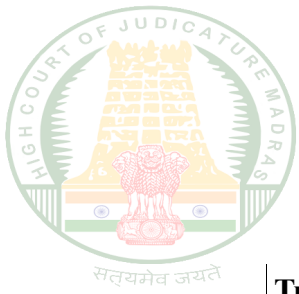
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son. At that point of time, the second respondent rode his vehicle in a rash and negligent manner and dashed against the first respondent, as a result of which the first respondent sustained grievous injuries and was admitted as an in-patient at Aristo Hospital, Madurai, till 27.01.2023 for treatment. An FIR came to be registered in Crime No. 36 of 2023. 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 second respondent.

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

Head	Amount
Partial Permanent Disability	Rs.1,75,000/-
Pain and Suffering	Rs. 25,000/-
Extra Nourishment	Rs. 7,000/-



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Transportation Charges	Rs. 5,000/-
Attender Charges	Rs. 2,000/-
Inconvenience caused	Rs. 15,000/-
Medical Expenses	Rs. 1,04,372/-
Total	Rs.3,33,372/-

The above compensation amount of Rs.3,33,372/- was rounded off to Rs. 3,33,500/- and was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition. Of the aforesaid compensation amount, 10% was directed to be borne by the first respondent. However considering the fact that the drivers of both the offending vehicle and the parked two-wheeler were not in possession of valid driving licenses, the Tribunal fixed 10% of the negligence on the first respondent and 90% on the second respondent. Consequently, pay and recover was ordered.

5. The Insurance Company has filed the present appeal mainly on the ground that the driver of the parked two-wheeler did not possess a valid driving license 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.

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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

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NCC :Yes/No

Index :Yes/No

PKN



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1. Motor Accidents Claims Tribunal, IV Additional Sub-Court, Madurai.
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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