



C.M.A(MD)No.468 of 2025

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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.468 of 2025
and CMP.(MD).No.8121 of 2025**

The Divisional Manager,
M/s. Oriental Insurance Company Limited,
No.2851/35, Lakshmi Arcade, V.O.C Nagar,
Trichy Main Road, Thanjavur

... Appellant

Vs.

1.Mariammal
W/o. Kaliamoorthy

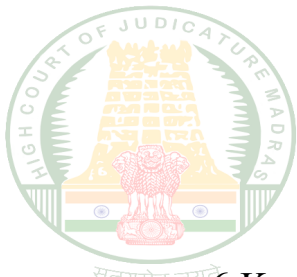
2.Kaliamoorthy
S/o. Thangavel

3.Saravanan
S/o. Kaliamoorthy

4.Soundarya
D/o. Kaliamoorthy

5.Arockiasamy
S/o. Kithirimuthu

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6.Karthikeyan

... Respondents

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PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order of the Tribunal of Motor Accident Claims Tribunal cum Special District Court, Thanjavur in M.C.O.P.No.390 of 2023 dated 16.04.2024.

For Appellant : Mr.C.Jawahar Ravindran
For Respondents : Mr. N.Tamilmani
for R1 to R4
No Appearance
for R5 & R6

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, cum Special District Court, Thanjavur in M.C.O.P.No.390 of 2023 dated 16.04.2024.

2. The respondents are the claimants. The first and second respondents are the parents of the deceased, the third and fourth



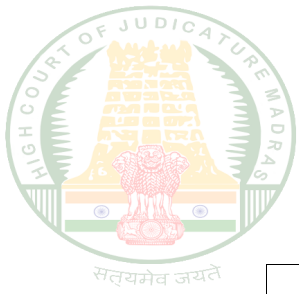
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respondents are the siblings of the deceased. The case of the respondents is that on 04.12.2022, at about 7.30 p.m., the deceased was riding a two-wheeler belonging to the pillion rider. At that point of time, the driver of the trailer truck belonging to the fifth respondent drove the vehicle in a rash and negligent manner and collided with the two-wheeler ridden by the deceased, as a result of which, the trailer truck ran over the deceased and he succumbed to the injuries. An FIR came to be registered in Crime No. 825 of 2022. 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 driver of the offending vehicle belonging to the fifth respondent.

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



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Head	Amount
Loss of Income	Rs.21,16,800/-
Filial Consortium to the 1 st to 4 th respondents, parents and siblings of the deceased	Rs. 1,60,000/-
Funeral Expenses	Rs. 15,000/-
Loss of Estate	Rs. 18,000/-
Total	Rs.23,09,800/-

The above compensation amount of Rs.23,09,800/- 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 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.



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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.

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.] [S.S.Y.,J.]
08.06.2026

NCC :Yes/No
Index :Yes/No
RR
To

1.The Motor Accident Claims Tribunal, cum Special District Court,
Thanjavur.

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



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AND
S.SRIMATHY,J.

RR

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