



C.M.A(MD)No.972 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)Nos.972 of 2025
and CMP (MD) No.14204 of 2025**

The Branch Manager
Reliance General Insurance Company Ltd.,
Meenakshi Plaza, First Floor,
Plot No.HIG 5, 80 Feet Road,
Anna Nagar, Madurai.

... Appellant

Vs.

1. Kamala
2. Lakshmi
3. Karuppiah
4. Manikandan
5. Gayathri
6. S. Vaijeyanthi

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Fair and Decretal order passed by

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the Learned Motor Accident Claims Tribunal/ Additional District Judge of Pudukottai in M.C.O.P.No.248 of 2019 dated 04.12.2023 and dismiss the same as against the appellant and thus render justice.

For Appellant : Mr. V.Sakthivel

For Respondents : Mr.D.Ramesh Kumar for R1 to R5

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/ Additional District Judge of Pudukottai, in MCOP No.248 of 2019 dated 04.12.2023.

2. The respondents 1 to 5 are the claimants. The first respondent is the wife of the deceased, the respondents 2 and 5 are the daughters and the respondents 3 and 4 are the sons of the deceased. The case of the respondents is that on 18.02.2019, at about 12.00 Noon, the



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deceased was peddling a cycle on the road and at that point of time, the driver of the lorry belonging to the sixth respondent herein drove the vehicle in a rash and negligent manner and reversed it without blowing any horn, as a result of which the lorry dashed against the deceased. The deceased sustained grievous injuries and succumbed to the injuries. An FIR came to be registered in Crime No.44 of 2019. It is under these circumstances, the claim petition came to be filed before this 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.27,94,730/- under the following heads:

Head	Amount
Loss of income	Rs.26,74,731/-
Loss of estate	Rs.55,000/-
Love and affection	Rs.40,000/-



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Ambulance expenses	Rs.10,000/-
Funeral expenses	Rs.15,000/-
Total	Rs. 27,94,730/-

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 and fitness certificate, 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 and fitness certificate and therefore, pay and recover ought not to have been ordered.

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



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8. 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.

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



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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.

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.]
15.06.2026

NCC :Yes/No
Index :Yes/No
PKN



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To
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1. Motor Accident Claims Tribunal/ Additional District Judge of Pudukottai
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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