

C.M.A(MD)No.43 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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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.43 of 2026
and
CMP.(MD).No.624 of 2026

Reliance General Insurance Co. Ltd.,
PLA Kanagu Towers,
10th Cross, Thillai Nagar,
Trichy – 18

... Appellant

Vs.

- 1.Parvathi
W/o. Gunasekaran
- 2.Gunasekaran
S/o. Raamachandran
- 3.Thirumurugan
S/o. Gunasekaran
- 4.Thirukumaran
S/o. Gunasekaran
- 5.Gayathri
D/o. Gunasekaran



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6.Samna
W/o. (Late) Harikrishnan

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the award dated 28.03.2024 passed in M.C.O.P.No.704 of 2016 on the file of the Motor Accident Claims Tribunal, Special District Court No.1 to deal with MCOP cases, Tiruchirapalli and allow the Civil Miscellaneous Appeal and thus render justice.

For Appellant : Mr.K.R.Shivashankari

For Respondents : No Appearance

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 No.1 to deal with MCOP cases, Tiruchirapalli in M.C.O.P.No.704 of 2016 dated 28.03.2024.

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



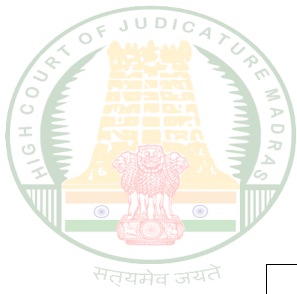
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are the siblings of the deceased. The case of the respondents is that on 08.12.2015, at about 12.00 Hrs., the deceased was travelling as a co-passenger in an Indica car belonging to the sixth respondent. At that point of time, the driver of the sixth respondent vehicle drove it in a rash and negligent manner, rammed over the median and the vehicle subsequently capsized, as a result of which, the deceased sustained fatal injuries and succumbed to the same on the way to the Government Hospital, Dindigul. An FIR came to be registered in Crime No. 391 of 2015. 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 sixth respondent.

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



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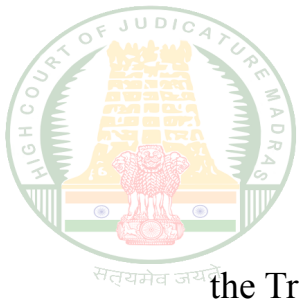
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Head	Amount
Loss of Dependency	Rs.13,82,184/-
Future Prospects	Rs. 5,52,873/-
Loss of love and affection	Rs. 80,000/-
Funeral Expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Total	Rs.20,45,057/-

The above compensation amount of Rs.20,45,057/- 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



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the Tribunal.

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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 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.]

[S.S.Y., J.]

08.06.2026

NCC :Yes/No

Index :Yes/No

RR

To

1.The Motor Accident Claims Tribunal,
Special District Court No.1
Tiruchirapalli.

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



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AND
S.SRIMATHY,J.

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