

C.M.A(MD)No.590 of 2026

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.06.2026

CORAM:

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

**C.M.A(MD)No.590 of 2026
and
CMP.(MD).No.5925 of 2026**

The Regional Manager,
M/s.United India Insurance Company Limited,
No.36, Jeevan Prakash Ground Floor,
Gandhiji Road,
Thanjavur Town.

... Appellant

Vs.

1.Karnan

2.Sumathi

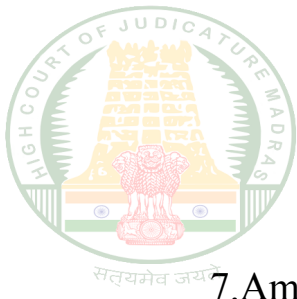
3.Monish

4.Varsha

5.Minor Trisha

6.Ravi

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7.Amaresh Kumar
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8.Manivannan

9.The Regional Manager,
Chozha Mandalam,
M.S. General Insurance Company Limited,
Old No.234, New No.2,
Dare House 2nd Floor,
NSC Bose Road, Parrys,
NSC Bose Road,
Parrys,
Chennai District.

... Respondents

(No relief against respondent Nos.8 and 9. Hence notice not necessary for respondent Nos.8 and 9)

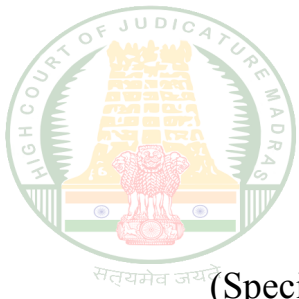
PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order passed by the Motor Accident Claims Tribunal (Special District Court), Thanjavur in M.C.O.P.No.1582 of 2024 dated 26.06.2025.

For Appellant : Mr.Robert Chandra Kumar.I

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



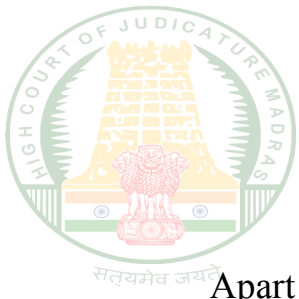
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(Special District Court), Thanjavur in M.C.O.P.No.1582 of 2024 dated 26.06.2025.

2. The respondents are the claimants. The first and second respondents are the parents of the deceased and the third and fourth respondents are the sisters of the deceased. The case of the respondents is that on 09.07.2024, at about 09.45 p.m., the deceased was riding a two-wheeler and at that point of time, the offending vehicle which belongs to the sixth respondent was driven in a rash and negligent manner and it dashed on the rear side of the two wheeler, as a result of which, the deceased was thrown out of the vehicle and he sustained grievous injuries and succumbed to the injuries. An FIR came to be registered in Crime No.379 of 2024. It is under these circumstances, the parents and the siblings of the deceased filed the claim petition.

3. The appellant / Insurance Company took a defence that the offending vehicle was not driven in a rash and negligent manner and that the driver of the offending vehicle did not have a valid driving license.



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Apart from that the deceased was not wearing a helmet at the time of the accident. Consequently, the appellant / Insurance Company denied their liability.

4. 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.

5. Having rendered such finding, the Tribunal fixed the total compensation at Rs.25,64,400/- under the following heads:

Head	Amount
Loss of Dependency	Rs.22,84,800/-
Filial Consortium to the petitioner Nos.1 to 5 / claimants	Rs.2,40,000/-
Loss of Funeral Expenses	Rs.18,000/-
Loss of Estate	Rs.21,600/-
Total	Rs.25,64,400/-



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6. 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, pay and recover was ordered.

7. The learned counsel appearing for the appellant / Insurance Company submitted that the Tribunal went wrong in ordering pay and recover. The learned counsel further submitted that there was contributory negligence on the part of the deceased, since the deceased did not wear helmet at the time of the accident. The other ground raised by the learned counsel appearing for the appellant is that the compensation fixed by the Tribunal is excessive.

8. 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

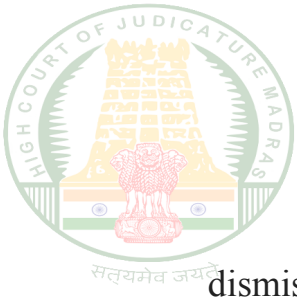


circumstances.

9. Insofar as the issue of contributory negligence is concerned, it is now too well settled that the mere non-wearing of a helmet by itself will not constitute contributory negligence and it has to be factually proved that the non-wearing of helmet had in fact contributed to the accident which resulted in the injury or fatality of the deceased. On appreciation of evidence, the Tribunal found that the entire accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. In the light of this factual finding, there is no question of attributing any contributory negligence on the deceased on the ground that he did not wear a helmet at the time of the accident.

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.

10. In the result, this Civil Miscellaneous Appeal stands



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dismissed. There shall be a direction to the appellant / Insurance Company to deposit the entire compensation along with interest to the credit of M.C.O.P No.1582 of 2024 on the file of the Motor Accident Claims Tribunal (Special District Court), Thanjavur, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimants will be entitled to withdraw the same 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.]

01.06.2026

NCC :Yes/No

Index :Yes/No

TSG

To

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

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



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AND
K.K.RAMAKRISHNAN,J.

TSG

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