



C.M.A(MD)No.1356 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.1356 of 2025
and CMP (MD) No.18325 of 2025**

The Branch Manager
IFFCO-Tokio General Insurance Company Ltd.,
No.82, Preetham Plaza,
Chandra Nagar,
Bypass Road, Madurai – 16.

... Appellant

Vs.

1.Janaki
2. Anbarasan
3.Samsudeen

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the award dated 18th June 2025 passed in MCOP No.2023 of 2023 on the file of the Motor Accident Claims



C.M.A(MD)No.1356 of 2025

Tribunal, Special District Judge of Madurai by allowing this appeal and thus render justice.

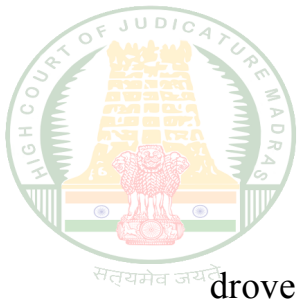
For Appellant : Mr. V.Sakthivel

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 Judge, Madurai, in M.C.O.P. No. 2023 of 2023 dated 18.06.2025.

2. The respondents are the claimants. The first respondent is the wife of the deceased and the second respondent is the son of the deceased. The case of the respondent is that on 17.03.2023 at about 9.30 a.m., the deceased rode the two-wheeler along with a pillion rider. At that point of time, the driver of the lorry belonging to the third respondent



C.M.A(MD)No.1356 of 2025

WEB COPY

drove the same from the opposite direction in a rash and negligent manner and dashed against the two-wheeler of the deceased, as a result of which the rider and the pillion rider of the two wheeler sustained grievous injuries and the rider of the two-wheeler succumbed to the injuries at Theni Hospital and the pillion rider also succumbed to the injuries subsequently on 22.03.2023. An FIR came to be registered in Crime No. 84 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 driver of the offending vehicle belonging to the third 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 Dependency	Rs.16,14,492/-
Spousal Consortium to the 1 st respondent	Rs. 40,000/-
Parental Consortium to 2 nd respondent	Rs. 40,000/-
Transportation Expenses	Rs. 5,000/-
Funeral Expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Total	Rs.17,29,492/-

The above compensation amount of Rs.17,29,492/- 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.



C.M.A(MD)No.1356 of 2025

WEB COPY

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



C.M.A(MD)No.1356 of 2025

WEB COPY

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.] [K.K.R.K., J.]
15.06.2026

NCC :Yes/No
Index :Yes/No
PKN



C.M.A(MD)No.1356 of 2025

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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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C.M.A(MD)No.1356 of 2025

N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.

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C.M.A(MD)No.1356 of 2025

15.06.2026
1/2