



C.M.A(MD)No.1225 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.1225 of 2025
and CMP (MD) No.17179 of 2025**

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

... Appellant

Vs.

1. Balakrishnan

2. Anbarasu

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the award dated 16-07-2025 passed in MCOP.No.1663 of 2022 on the file of the Special Subordinate Judge (Motor Accident Claims Tribunal of Madurai by allowing this appeal.

1/8



C.M.A(MD)No.1225 of 2025

WEB COPY

For Appellant : Mr. V.Sakthivel

For Respondents : Mr.S.Manikandan for R1

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 Special Subordinate Judge (Motor Accident Claims Tribunal of Madurai, in MCOP No. 1663 of 2022 dated 16.07.2025.

2. The first respondent is the claimant. The case of the respondent is that on 20.08.2022, at about 09.00 a.m., the first respondent was riding his two-wheeler and at that point of time, the driver of the car belonging to the second respondent herein was driven in a rash and negligent manner and dashed against the first respondent from the opposite direction, as a result of which, the first respondent sustained



C.M.A(MD)No.1225 of 2025

WEB COPY

grievous injuries and was taken to the Government Hospital, Virudhunagar and was subsequently, taken to Preethi Hospital, Madurai, where he was admitted as an in-patient till 27.08.2022. In this regard, an FIR came to be registered in Crime No.120 of 2022. 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.3,87,710/-under the following heads:

Head	Amount
Loss of Income	Rs.48,000/-
Transportation Expenses	Rs.5000/-
Nourishment	Rs.10,000/-
Damages to Clothes and other valuables	Rs.1000/-



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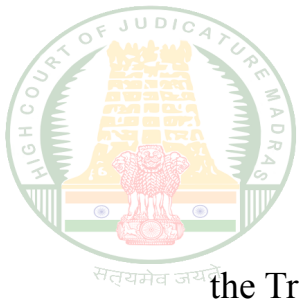
C.M.A(MD)No.1225 of 2025

Medical Expenses	Rs.1,80,910/-
Pain and Sufferings	Rs.30,000/-
Loss of convenience	Rs.20,000/-
Attender charges	Rs.2,800/-
Partial disability	Rs.90,000/-
Total	Rs.3,87,710/-

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, 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 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



C.M.A(MD)No.1225 of 2025

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 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. 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.



C.M.A(MD)No.1225 of 2025

WEB COPY

11. 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.1225 of 2025

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1. Special Subordinate Judge (Motor Accident Claims Tribunal of Madurai.
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.1225 of 2025

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

PKN

C.M.A(MD)No.1225 of 2025

15.06.2026