

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2026

CORAM:

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

**C.M.A(MD)No. 323 of 2026
and
CMP.(MD).No. 2938 of 2026**

1.The Branch Manager,
Reliance General Insurance
Company Limited,
2nd Floor, PLA Kanagu Towers,
15A, Thillai Nagar Main Road,
11th Cross, Trichy.

2.The Regional Manager,
Reliance General Insurance
Company Limited,
Sri Narayana Towers,
No.8, Selvam Nagar,
M.C.Road,
Thanjavur.

... Appellants

Vs.

- 1.Mohan
- 2.Minor Tamil
- 3.Minor Anthony
- 4.Minor Nixon
- 5.Stephen



6.Kalaivani

... Respondents

(Minor respondent Nos.2 to 4 represented through their father and natural guardian first respondent herein)

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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.740 of 2024 dated 22.04.2025.

For Appellants : Ms.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 Judge), Thanjavur in M.C.O.P.No.740 of 2024 dated 22.04.2025.

2. The respondents are the claimants. The first respondent is the husband of the deceased, second to fourth respondents are the children of the deceased and the fifth respondent is the father of the deceased. The case of the respondents is that on 27.03.2024, at about 7.00 p.m., the deceased was proceeding on foot as part of a group undertaking a spiritual pilgrimage to Velankanni. Subsequently, the offending vehicle belonging to the sixth respondent, which was being driven by one Anbazhagan at a high speed in a rash and negligent manner, came from behind and hit the deceased, as a result

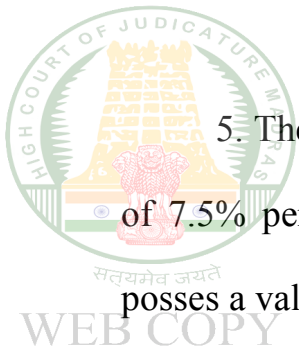


of which, the deceased sustained grievous injuries. He was provided treatment as in-patient till 28.03.2024. Unfortunately, the deceased died on 28.03.2024 due to injuries sustained in the accident. An FIR came to be registered in Crime No 244 of 2024. It is under these circumstances, the claim petition 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 only due to the rash and negligent driving on the part of the offending vehicle and that the driver of the offending vehicle did not have a valid driving license.

4. Having rendered such finding, the Tribunal fixed the total compensation at Rs. Rs. 35,05,200/- under the following heads:

Head	Amount
Loss of Income	Rs. 32,25,600/-
Spousal Consortium to the 1 st respondent, husband of the deceased	Rs. 48,000/-
Parental Consortium to the 2 nd to 4 th respondents, children of the deceased	Rs. 1,44,000/-
Filial Consortium to the 5 th respondent, father of the deceased	Rs. 48,000/-
Funeral Expenses	Rs.18,000/-
Loss of Estate	Rs.21,600/-
Total	Rs. 35,05,200/-



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 sixth respondent 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 sixth 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 appellants and also the award passed by the Tribunal.

8. The ground that was taken by the learned counsel appearing for the appellants 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 appellants, 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.



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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.

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.]

05.06.2026

NCC :Yes/No

Index :Yes/No

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

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