

C.M.A(MD)No.1241 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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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.1241 of 2025
and CMP (MD) No.17363 of 2025

The Manager
SBI General Insurance Co. Ltd.,
Door No.78/4, 2nd Floor,
Bye pass Road,
Madurai – 625 010.

... Appellant

Vs.

1. Pasupathy

2. S. Nagarajan

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the award in M.C.O.P. No. 277 of 2023 on the file of motor Accident Claims Tribunal (The Special Subordinate Judge) Madurai dated 25.06.2025 and allow this Civil Miscellaneous Appeal.



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For Appellant : Mr. R.Ramadurai

For Respondents : Mr.R.Rajamohan

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, the Special Subordinate Judge, in M.C.O.P. No. 277 of 2023 dated 25.06.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 12.08.2022 at about 6.00 p.m., the driver of the auto rikshaw belonging to the second respondent, while carrying a passenger, drove the vehicle in a rash and negligent manner, dashed against a cow and lost control of the vehicle causing the auto rikshaw to topple and capsize on the road. As a result of which the first respondent



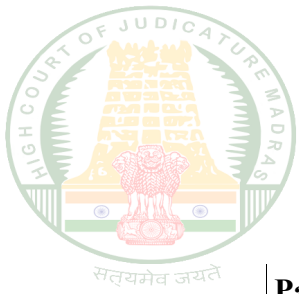
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sustained grievous injuries and was admitted as an in-patient in Shenbagam Hospital, Madurai for treatment. Owing to the injuries sustained, the first respondent became immobilised. An FIR came to be registered in Crime No. 79 of 2022. It is under 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 driver of the auto rickshaw belonging to the second respondent.

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

Head	Amount
Loss of Income	Rs. 48,000/-
Transportation Expenses	Rs. 5000/-
Extra Nourishment	Rs. 10,000/-
Medical Expenses	Rs. 3,06,94/-



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Pain and Suffering	Rs. 30,000/-
Inconvenience	Rs. 20,000/-
Attender Charges	Rs. 5,600/-
Partial Disability	Rs. 1,52,000/-
Total	Rs.5,77,514/-

The above compensation amount of Rs.5,77,514/- 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 of the auto rickshaw 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 of the auto rickshaw 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 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.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. The claimants will be entitled to withdraw the compensation



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amount in the proportion as fixed by the Tribunal. No costs.

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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



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



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