

C.M.A(MD)No.1439 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.1439 of 2025
and
CMP (MD) No.18914 of 2025**

Cholamandalam MS General
Insurance Company Limited
Rep. by its Manager
No.41, 2nd Floor,
TABS Complex, Bharathidasan Salai,
Trichy.

... Appellant

Vs.

1. Arumugam

2. Balasubramanian

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of
Motor Vehicles Act to set aside the order passed in MCOP No.68 of 2024



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on the file of the Additional Sub Court, Motor Accident Claims Tribunal,
Karur dated 15.07.2025 by allowing the Civil Miscellaneous Appeal.

For Appellant : Mr. C.Vakeeswaran

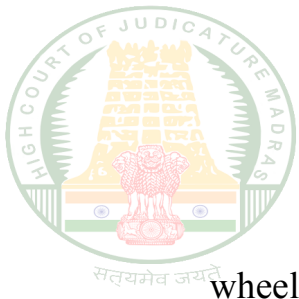
For Respondents : Mr.K.Sudalaiyandi

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, Additional Sub Court, Karur, in M.C.O.P. No. 68 of 2024 dated 15.07.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 12.09.2023 at about 3.00 p.m., the first respondent was standing on the road with his parked two-wheeler. At that point of time, the second respondent who was riding another two-wheeler and drove the same in a rash and negligent manner, dashed against the two-



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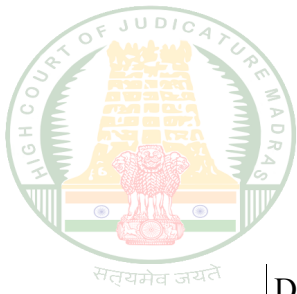
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wheeler of the first respondent, as a result of which the first respondent sustained grievous injuries and was admitted in multiple hospitals for treatment. An FIR came to be registered in Crime No. 164 of 2023. It is under these circumstances, the 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 second respondent.

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

Head	Amount
Loss of Earnings	Rs.20,47,320/-
Loss of Amenities	Rs.10,000/-
Pain and Sufferings	Rs.50,000/-
Attender Expenses	Rs.10,000/-
Treansport Expenses	Rs.5,000/-
Nutrition Expenses	Rs.10,000/-



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Damage to the Dress	Rs.1000/-
Medical Bills	Rs.1,07,841/-
Total	Rs. 22,41,161/-

The above compensation amount of Rs.22,41,161/- 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.

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.



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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



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1. Additional Sub Court, Motor Accident Claims Tribunal, Karur.
2. The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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AND
K.K.RAMAKRISHNAN,J.

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