



C.M.A(MD)No.1232 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.1232 of 2025
and CMP (MD) No.17240 of 2025**

The Oriental Insurance Company Ltd.,
Rep. through its Branch Manager
No.2851/35, Kamal Subramaniam Arcade
1st floor, VOC Nagar,
Trichy Main Road,
Thanjavur.

... Appellant

Vs.

1. Usha
2. Vimalanayagi
3. Velmurugan
4. Vaitheki
5. Senthilnathan

... Respondents



C.M.A(MD)No.1232 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Order dated 14.07.2025 passed M.C.O.P.No. 8 of 2023 on the file of learned Motor Accident Claims Tribunal/Special District Court, Thanjavur.

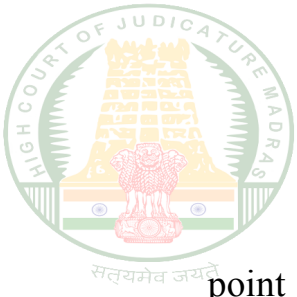
For Appellant : Mr.A.Ilango

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 Court, Thanjavur, in MCOP No. 8 of 2023 dated 14.07.2025.

2. The respondents 1 to 4 are the claimants. The respondents 1,2 and 4 are the daughters of the deceased. The third respondent is the son of the deceased. The case of the respondents is that on 18.10.2022, at about 01.15 p.m., the deceased was riding his two-wheeler and at that



C.M.A(MD)No.1232 of 2025

WEB COPY

point of time, the driver of the lorry belonging to the fifth respondent herein was driven in a rash and negligent manner and dashed against the deceased from the opposite direction, as a result of which, the deceased sustained grievous injuries and was taken to the Government Medical College and Hospital, Thiruvarur, where he succumbed to the injuries on the same day. In this regard, an FIR came to be registered in Crime No. 209 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.14,59,700/-under the following heads:



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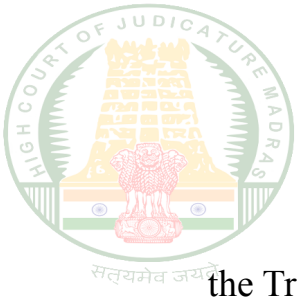
C.M.A(MD)No.1232 of 2025

Head	Amount
Parental Consortium	Rs.1,76,000/-
Loss of Estate	Rs.19,800/-
Funeral Expense	Rs.16,500/-
Loss of Income	Rs.12,47,400/-
Total	Rs.14,59,700/-

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.1232 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.1232 of 2025

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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.1232 of 2025

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1.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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C.M.A(MD)No.1232 of 2025

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

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C.M.A(MD)No.1232 of 2025

15.06.2026