



C.M.A(MD)No.6 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

**C.M.A(MD)No. 6 of 2026
and CMP.(MD).No.78 of 2026**

The Branch Manager,
M/s. Cholamandalam General Insurance Company Limited,
No.7, Ground Floor, Ramesh Nagar,
New Housing Board, Opposite to Bus stop,
Pudukkottai Road,
Thanjavur

... Appellant

Vs.

1.Karthika
W/o. Vimal

2.Minor Kavin
S/o. Vimal

3.Minor Preesha
D/o. Vimal

(Minor 2 & 3 respondents are represented through mother and natural guardian, the 1st respondent)



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4. Vijayalakshmi

W/o. Ayavoo

5. Mani

S/o. Ayavoo

6. Muruganandam

S/o. Subramanian

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order passed in M.C.O.P. No. 1377 of 2024 on the file of the Special District Court/ Motor Accident Claims Tribunal, Thanjavur dated 11.07.2025 by allowing the Civil Miscellaneous Appeal.

For Appellant : Mr.C. Vakeeswaran

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 Special District Court/ Motor Accident Claims Tribunal, Thanjavur, in M.C.O.P. No. 1377 of 2024 dated 11.07.2025.



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2. The respondents are the claimants. The first respondent is the wife of the deceased, second and third respondents are the children of the deceased and fourth and fifth respondents are the parents of the deceased. The case of the respondents/claimants is that on 12.08.2024, at about 10.30 p.m., the deceased was riding the two-wheeler and at that point of time, the sixth respondent, who was riding another two-wheeler, drove the same in a rash and negligent manner and dashed against the two-wheeler of the deceased from the opposite direction, as a result of which the deceased sustained grievous injuries and was taken to the Pattukottai Government Hospital and was declared dead. An FIR came to be registered in Crime No. 264 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 due to the rash and negligent driving on the part of the sixth respondent.



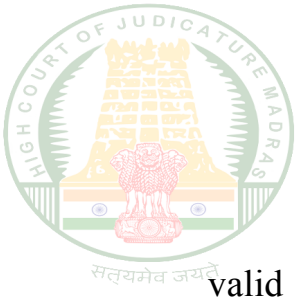
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4. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

Head	Amount
Loss of Income	Rs.49,59,360/-
Spousal Consortium to the 1 st respondent, wife of the deceased	Rs. 48,000/-
Parental Consortium to the 2 nd and 3 rd respondents, children of the deceased	Rs. 96,000/-
Filial Consortium to the 4 th and 5 th respondents, parents of the deceased	Rs. 96,000/-
Funeral Expenses	Rs. 18,000/-
Loss of Estate	Rs. 21,600/-
Total	Rs.52,38,960/-

The above compensation amount of Rs.52,38,960/- 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



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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.

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.



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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 amount in the proportion as fixed by the Tribunal. No costs. Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.] [S.S.Y., J.]
08.06.2026

NCC :Yes/No

Index :Yes/No

RR

To

1.The Special District Court/ Motor Accident Claims Tribunal,
Thanjavur

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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S.SRIMATHY,J.

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