

C.M.A(MD)No.1428 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.1428 of 2025  
and CMP (MD) No.18829 of 2025**

M/s.Shriram General Insurance Company Limited  
Rep. by its Branch Manager,  
3<sup>rd</sup> Floor, C.Moogambika Complex,  
No.4, Lady Desika Road, Mylapore,  
Chennai.

... Appellant

Vs.

1.Kiruthika

2. Karthik

... Respondents

**PRAYER:-** Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the award dated 30.06.2025 passed in MCOP.No.110 of 2024 on the file of the Motor Accident Claims Tribunal / Special Subordinate Judge of Tiruchirappalli by allowing this appeal.



C.M.A(MD)No.1428 of 2025

WEB COPY

For Appellant : Mr. V.Sakthivel

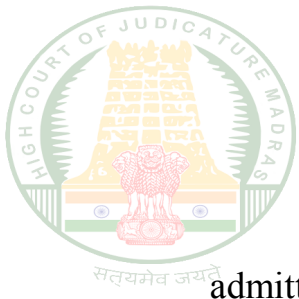
For Respondents : Mr.N.Sudhagar Nagaraj for R1

## **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 Subordinate Judge, Tiruchirappalli , in M.C.O.P. No. 110 of 2024 dated 30.06.2025.

2. The first respondent is the claimant. The case of the first respondent is that on 25.10.2023 at about 7.00 p.m., the first respondent was the rider of the two-wheeler. At that point of time, the driver of the truck belonging to the second respondent drove the same in a rash and negligent manner and dashed against the two-wheeler from behind, as a result of which the first respondent sustained grievous injuries and was



C.M.A(MD)No.1428 of 2025

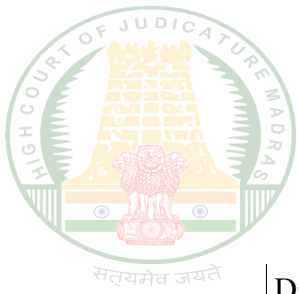
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admitted as an in-patient at Kauvery Hospital till 02.11.2023 for treatment. An FIR came to be registered in Crime No. 291 of 2023. It is under these circumstances, the claim petition came to be filed before the tribunal.

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         |
|-------------------------|----------------|
| Disability Compensation | Rs.1,70,,000/- |
| Medical Bills           | Rs. 2,77,204/- |
| Loss of Income          | Rs.60,000/-    |
| Loss of Amenities       | Rs.20,000/-    |
| Attender Charges        | Rs.10,000/-    |
| Pain and Suffering      | Rs.80,000/-    |
| Transportation Charges  | Rs.15,000/-    |
| Extra Nourishment       | Rs.15,000/-    |



C.M.A(MD)No.1428 of 2025

|                                        |               |
|----------------------------------------|---------------|
| Damages to Clothes and other valuables | Rs. 2,000/-   |
| Future Medical Expenses                | Rs.30,000/-   |
| Total                                  | Rs.6,79,204/- |

The above compensation amount of Rs.6,79,204/- 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.



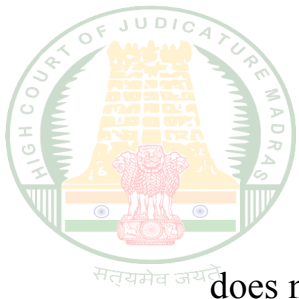
C.M.A(MD)No.1428 of 2025

WEB COPY

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. Another ground has also been raised to the effect that the injured did not have a valid driving license at the time of accident and therefore there is an element of contributory negligence that is attributable to the claimant. We are not in agreement with this submission. Since the respondent failed to discharge the burden of proof, the tribunal has rightly found that the entire negligence is attributable to the driver of the offending vehicle.

9. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has fixed a fair and just compensation and it



C.M.A(MD)No.1428 of 2025

does not require the interference of this Court.

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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.

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.1428 of 2025

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



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C.M.A(MD)No.1428 of 2025

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

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C.M.A(MD)No.1428 of 2025

15.06.2026