

C.M.A(MD)No.1527 of 2025

WEB COPY

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. 1527 of 2025
and CMP.(MD).No.19757 of 2025**

The Manager,
M/s. Chola mandalam MS General Insurance Company Ltd,
No. 41, 2nd floor, TABS Complex,
Bharathidasan Road, Thiruchirappalli H.O.,
Trichy. ... Appellant

Vs.

1. Azhagu Valli
W/o. (Late) Anbalagan
2. Minor. Mahizhini Mithra
D/o. (Late) Anbalagan
3. Minor. Muhilvendhan
S/o. (Late) Anbalagan
(Respondents 2 & 3 minor respondents represented through their
Mother, Next Friend An Natural Guardian 1st Respondent
Azhagu Valli)
4. Valarmathi
W/o. Sathasivam



C.M.A(MD)No.1527 of 2025

5. Sathasivam
S/o. Ramasamy

6. Azhagukannan
S/o. Karuppaiah ... 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. 210 of 2024 on the file of the District and Sessions Court/ Motor Accident Claims Tribunal, Karur dated 14.07.2025.

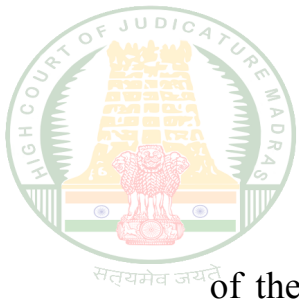
For Appellant : Mr. C. Vakeeswaran
For Respondents : Mr. K. Sudalaiyandi
for R1 to R5
R6 – No appearance

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 Motor Vehicle Accident Claim Tribunal/ District and Sessions Judge , Karur, in M.C.O.P. No. 210 of 2024 dated 14.07.2025.

2. The respondents are the claimants. The first respondent is the wife of the deceased, second and third respondents are the children



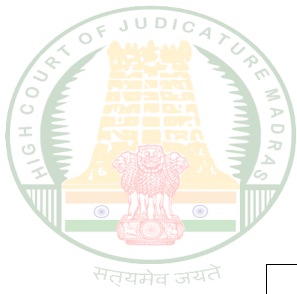
C.M.A(MD)No.1527 of 2025

WEB COPY

of the deceased and fourth and fifth respondents are the parents of the deceased. The case of the respondent is that on 11.11.2023, at about 7.45 a.m., the deceased was a pedestrian on the flyover. At that point of time, the sixth respondent drove the two-wheeler in a rash and negligent manner and dashed against the deceased from behind, as a result of which the deceased was thrown away from the flyover and sustained grievous injuries. The deceased was initially taken to the Karur Raj Ortho Hospital. Thereafter, he was shifted to Karur Government Hospital for further treatment. Despite treatment, he succumbed to the injuries. An FIR came to be registered in Crime No. 431 of 2023. It is under these circumstances, the claim petition came to be filed before 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.

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



C.M.A(MD)No.1527 of 2025

WEB COPY

Head	Amount
Loss of Dependency	Rs.43,84,920/-
Future Prospects 40%	Rs.17,53,968/-
Loss of Estate	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-
Loss of Consortium	Rs. 40,000/-
Total	Rs.62,08,888/-

The above compensation amount of Rs.62,08,888/- 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.



C.M.A(MD)No.1527 of 2025

WEB COPY

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.

9. It is brought to the notice of this Court by the learned counsel appearing for the Insurance Company that the entire award



C.M.A(MD)No.1527 of 2025

WEB COPY

amount has already been deposited before the Tribunal and that the claimants were also directed to withdraw 50% of the award amount.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. The claimants will be entitled to withdraw remaining 50% of 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 Motor Vehicle Accident Claim Tribunal/
District and Sessions Judge , Karur.

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



WEB COPY



C.M.A(MD)No.1527 of 2025

N. ANAND VENKATESH,J.
AND
S.SRIMATHY,J.

RR

C.M.A(MD)No.1527 of 2025

08.06.2026