



C.M.A(MD)No.312 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)Nos.312 of 2026
and CMP (MD) No.2865 of 2026**

The Branch Manager
M/s.United India Insurance Company Limited
Kumbakonam. ... Appellant

Vs.

1.Ganesan
2.Arunkumar
3.Hariharan
4.Vasudevan ... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the award passed in MACOP No.139 of 2020 dated 25.06.2025 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Court, Kumbakonam.

For Appellant : Mr.A.Ilango

For Respondents : Mr.G.Gomathi Sankar for R4



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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, Principal Subordinate Court, Kumbakonam, in MACOP No.139 of 2020 dated 25.06.2025.

2. The respondents 1 to 3 are the claimants. The case of the respondents are that on 06.03.2020, at about 6.00 a.m., the wife of the first respondent was a pedestrian and at that point of time, the fourth respondent was driven his two-wheeler in a rash and negligent manner and dashed against the wife of the first respondent, as a result of which, the deceased sustained grievous injuries and was admitted to Government District Head Quarters Hospital, Kumbakonam and she succumbed to the injuries on the same day. An FIR came to be registered in Crime No.65 of 2020. It is under these circumstances, the claim petition came to be filed before this Tribunal.



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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.12,09,800/- under the following heads:

Head	Amount
Loss of dependency	Rs.10,64,800/-
Loss of consortium	Rs.1,20,000/-
Loss of Estate	Rs.10,000/-
Funeral Expenses	Rs.10,000/-
Transport Expenses	Rs.5,000/-
Total	Rs.12,09,800/-

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



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the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

6. This Court carefully considered the submissions made by the learned counsel appearing for the appellant as well as the learned counsel for the fourth respondent and has also perused the award passed by the Tribunal.

7. The main ground that was urged by the learned counsel for the appellant/insurance company is that the Tribunal ought to have applied the pay and recover principle since the driver of the offending vehicle only possessed learner's license and he did not have a valid driving license as on the date of the accident. The learned counsel submitted that the officials of the Regional Transport Office was examined as RW1 in this case. The learned counsel submitted that the relevant judgments were also placed before the Tribunal but however the Tribunal failed to consider the same and did not apply the pay and recover principle in this case.



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8. We have carefully considered the submissions made by the learned counsel appearing on either side and the materials available on record.

9. In our considered view, the issue involved in the present case is squarely covered by the earlier judgment in ***National Insurance Company Limited v. Dhanushkodi Athithan***, in C.M.A(MD)Nos.363 to 365, 479 and 480 of 2019. There is a marked difference between non-possession of a valid driving license and a case where the vehicle is driven without license. The case in hand will fall under the first category. In such case, the principle of pay and recover cannot be applied. Useful reference can be made to the judgment in the ***Senior Divisional Manager, The National Insurance Co. Ltd., v. Shri Jyotiba Appaji Shigate & Ors.***, reported in 2019 SCC Online Kar 3742.



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10. 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.

11. 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.

12. 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.]
19.06.2026

NCC :Yes/No
Index :Yes/No
PKN



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1. Motor Accident Claims Tribunal, Principal Subordinate Court,
Kumbakonam.

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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