



C.M.A(MD)No.824 of 2019

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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.824 of 2019
and CMP (MD) No.10844 of 2019**

The Divisional Manager
United India Insurance Co. Ltd.,
Cantonment, Promode Road,
Trichy District.

... Appellant

Vs.

1.A.Selvaraj(Died)
2. N.Palaniyappan
3. Dhanabakkiyam
4. Arockiadoss
5. John
6. Joseph Kennedy
(R3 to R6 are brought on records as legal heirs
of the deceased/1st respondent vide court order
dated 28.06.2024) ... Respondents

PRAYER:- Civil Miscellaneous Appeal Under Section 173 of Motor



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Vehicle Act, to set aside the Decree and Judgment dated 14.12.2016 made in MCOP No.92 of 2012 on the file of Special Sub Judge, Dindigul.

For Appellant : Mr.I.Ilango

For Respondents : Mr.A.Hariharan 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 Special Sub Judge, Dindigul, in MCOP No. 92 of 2012 dated 14.12.2016.

2. The first respondent is the claimant. In view of the demise of the first respondent/claimant, his legal heirs have been impleaded as respondents 3 to 6, to the present appeal. The case of the first respondent is that on 08.01.2007, at about 5.15 p.m., the first respondent was peddling a bicycle on the road and at that point of time, the driver of the



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second respondent's vehicle drove the two-wheeler in a rash and negligent manner and dashed against the first respondent. As a result of which, he sustained grievous injuries and was admitted as an in-patient at UN Neuro Hospital, Madurai, till 03.02.2007. An FIR came to be registered in Crime No.23 of 2007. 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.1,12,500/- under the following heads:

Head	Amount
Pain and Sufferings	Rs.15,000/-
Loss of amenities	Rs.10,000/-
Nourishment	Rs.10,000/-



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Disability (31%)	Rs.77,500/-
Total	Rs. 1,12,500/-

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 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. In the result, this Civil Miscellaneous Appeal stands dismissed. The appellant insurance company is directed to deposit the entire compensation along with accrued interest, if not already deposited and on such deposit being made, the claimants will be entitled to withdraw the compensation amount in the proportion as fixed by the



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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.Special Sub Judge, Dindigul.
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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AND
K.K.RAMAKRISHNAN,J.

PKN

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