

C.M.A(MD)No.175 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2026

CORAM:

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

**C.M.A(MD)No.175 of 2023
and
CMP.(MD).No.1731 of 2023**

The Branch Manager,
Reliance General Insurance Company Limited,
III Floor, No.23,
Spur Tank Road,
Chetpat,
Chennai-600 031.

... Appellant

Vs.

1.Tamilselvan
2.Minor Vanitha
3.Minor Radhika
4.Minor Vijayasanthi
5.Minor Menaka
6.Minor Suriya Velan

7.Ramalinga Jothi
8.A.Martin Johnson

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9. The Branch Manager,
M/s.Cholamandalam MS General Insurance
Company Limited,
Having registered office at
Dare House, II Floor,
N.S.C.Bose Road, Chennai-600 001.

... Respondents

(Minor 2 to 6 respondents are represented by their father / next friend / first respondent herein)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act to set aside the judgment and decree dated 09.09.2016 passed in MCOP.No.1335 of 2013 on the file of the Motor Accident Claims Tribunal, Special District Judge (MCOP), Trichirappalli and also the present appeal.

For Appellant : Mr.K.Gokul
For R-2 to R-4 : Mr.N.Sudhagar Nagaraj

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 District Judge, Tiruchi, in M.C.O.P. No. 1335 of 2013 dated 09.09.2016.



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2. The respondents 1 to 6 are the claimants. The first respondent is the husband of the deceased, the second to sixth respondents are the children of the deceased. The case of the respondents is that on 27.11.2008 at about 2.00 p.m., the deceased was travelling in a share auto belonging to the eighth respondent. At that point of time, the driver of the lorry belonging to the seventh respondent drove the vehicle in a rash and negligent manner. On noticing that the said lorry was approaching in a high speed from the opposite direction, the driver of the share auto cautiously brought the vehicle to a halt on the side of the road. Despite such precaution, the driver of the lorry dashed against the share auto, as a result of which the deceased succumbed to the injuries on the spot . An FIR came to be registered in Crime No. 394 of 2008. 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



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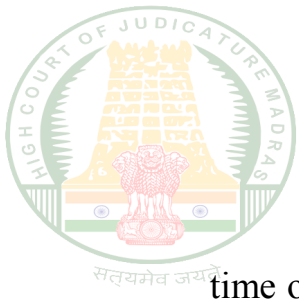
driving on the part of the driver of the offending vehicle as he was in an
inebriated state.

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

Head	Amount
Loss of Income	Rs. 6,91,200/-
Transportation and Funeral Expenses	Rs. 25,000/-
Loss of love and affection	Rs. 1,00,000/-
Consortium	Rs. 50,000/-
Total	Rs. 8,66,200/-

The above compensation amount of Rs.8,66,200/- 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 has driven the vehicle in an inebriated state, pay and recover was
ordered.

5. The Insurance Company has filed the present appeal mainly
on the ground that the driver of the lorry was in an inebriated state at the



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time of driving and the accident had occurred due to a head on collision.

Therefore, the liability ought to have been apportioned equally on both the drivers of the vehicles and hence, 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



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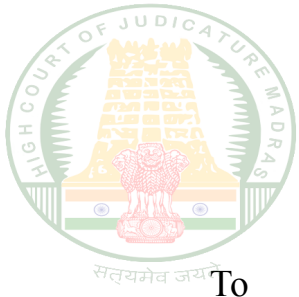
Court finds that the Tribunal has fixed a fair and just compensation and it does not require the interference of this Court.

9. It is brought to the notice of this court by the learned counsel appearing for the insurance company that the 50% of the compensation amount has already been deposited before the tribunal.

10. In the result, this Civil Miscellaneous Appeal stands disposed. There shall be a direction to the appellant/Insurance Company to deposit the remaining 50% of the compensation amount along with interest to the credit of M.C.O.P No.1335 of 2013 on the Motor Accident Claims Tribunal, Special District Judge, Tiruchi, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the claimants will be entitled to withdraw the remaining compensation 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.]
18.06.2026

NCC :Yes/No
Index :Yes/No
RR



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To
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- 1.The Motor Accident Claims Tribunal,
Special District Judge (MCOP), Trichirappalli
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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AND
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RR

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