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CMA.(MD).No.327 of 2026

N.ANAND VENKATESH.J.,

AND

P.DHANABAL.J.,

The learned counsel appearing for the appellant submitted that in the present case, the rider of the two-wheeler did not have the driving license and hence, there was a policy violation. In spite of the same, the Tribunal had ordered pay and recovery and that such an award passed by the Tribunal goes against the amendment that was brought into force with effect from 01.04.2022. The learned counsel, in order to substantiate his submissions, has relied upon the judgment of the Division Bench of this Court in the case of *the Manager, SBI General Insurance Company Limited V. Tamil Selvi and others* in *C.M.A.(MD).Nos.747 and 753 of 2026* dated 06.02.2026.

2. We are aware of the judgment passed by the learned Single Judge of this Court in the case of *the Branch Manager, M/s. SBI General Insurance Company Limited Vs. Muthulakshmi and Others* reported in *2025-3-L.W. 1*.



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3. The learned Single Judge has considered the effect of the amendment which came into force from 01.04.2022. The learned Single Judge has held that even after coming into force of Section 150 of the Motor Vehicles Act after the deletion of the proviso to Sections 149(4) and 149(5) of the Motor Vehicles Act with effect from 01.04.2022, for violation of policy condition, the concept of pay and recovery can be applied for the third parties.

4. There shall be a direction to the learned counsel appearing for the appellant to produce the judgment of the learned Single Judge and make his submissions.

5. Registry is directed to post this case on **12.03.2026**.

[N.A.V.,J.]

[P.D.B.,J.]

09.03.2026

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