

C.M.A(MD)No.490 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 16.06.2026

CORAM:

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

C.M.A(MD)No.490 of 2026
and CMP (MD) No.5002 of 2026

The Branch Manager,
SBI General Insurance Company Limited,
No.29B, 2nd Floor, Rohan's Arcade,
Thillai Nagar Main Road,
Opposite of HP Petrol Bunk,
Thillai Nagar, Trichy.

... Appellant

Vs.

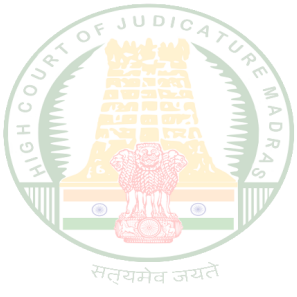
1. Poongothai

2.S.Thilsath Begum

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the order made in MCOP No.457 of 2022 dated 11.12.2024 on the file of the Motor Accident Claims Tribunal cum Special Sub Court, Tiruchirappalli.

For Appellant : Mr.N.Shylappakalyan



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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 cum Special Sub Court, Tiruchirappalli, in M.C.O.P. No.457 of 2022 dated 11.12.2024.

2. The first respondent is the claimant. The case of the first respondent is that on 04.10.2022 at about 11.45 a.m., the first respondent was a pedestrian on the road along with her husband, at that point of time, the driver of the two-wheeler belonging to the second respondent rode in a rash and negligent manner and dashed against the first respondent, as a result of which the first respondent sustained grievous injuries and was admitted at multiple hospitals for treatment. An FIR came to be registered in Crime No.212 of 2022. It is under these circumstances, the claim petition came to be filed before the 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 due to the rash and negligent driving on the part of the driver of the offending vehicle.

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

Head	Amount
Disability compensation	Rs.70,000/-
Medical Bills	Rs.25,363/-
Loss of Amenities	Rs.50,000/-
Attender Charges	Rs.5,000/-
Pain and Suffering	Rs.80,000/-
Transportation Expenses	Rs.10,000/-
Extra Nourishment	Rs. 10,000/-
Damages to clothes and other valuables	Rs.2,000/-
Future Medical Expenses	Rs.15,000/-
Total	Rs.2,67,363/-

The above compensation amount of Rs.2,67,363/- was directed to be paid along with interest at the rate of 7.5% per annum from the date of the



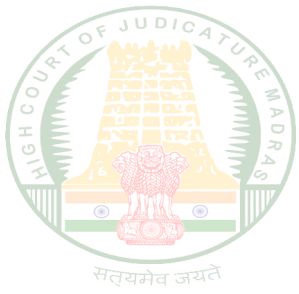
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petition. However considering the fact that the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

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. He further submitted that the rider of the offending two-wheeler was a minor, who was not holding a valid driving licence. Permitting a minor to ride a motor vehicle is a clear violation of the provisions of the Motor Vehicles Act. Therefore, the Tribunal was not justified in directing the insurer to pay the compensation to the claimants and recover the same from the owner of the vehicle.

6. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.



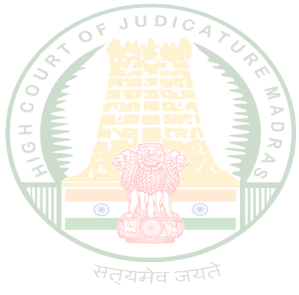
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7. The ground that was taken by the learned counsel appearing for the appellant is to the effect that the Tribunal ought not to have ordered for pay and recover. The said ground is squarely covered by the judgment of this Court in a batch of appeals 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 issue regarding the vehicle being driven by a minor, the Division Bench of this Court dealt with this issue in detail and passed a judgment in C.M.A.(MD) No.731 of 2023 dated 19.06.2026. This judgment squarely covers the issue and no further deliberation is required.

9. 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.



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10. It is brought to the notice of this court by the learned counsel appearing for the insurance company that the entire compensation amount has already been deposited before the Tribunal.

11. In the result, this Civil Miscellaneous Appeal stands dismissed. The claimants shall be entitled to withdraw the compensation amount in the proportion as fixed by the Tribunal. Consequently connected Miscellaneous Petition is closed. No costs.

[N.A.V., J.] [K.K.R.K., J.]
16.06.2026

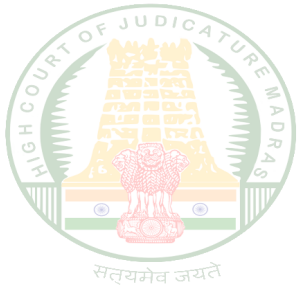
NCC :Yes/No
Index :Yes/No

Indu

To

- 1.The Motor Accident Claims Tribunal cum Special Sub Court,
Tiruchirappalli.
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.

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AND
K.K.RAMAKRISHNAN,J.

Indu

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