

C.M.A(MD)No.494 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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.494 of 2026
and CMP (MD) No.5043 of 2026**

The Branch Manager,
M/s.New India Assurance Company Limited,
Sethu Amirtham Towers,
Seenivasampillai Road,
Thanjavur District.

... Appellant

Vs.

1.Seethalakshmi

2.Minor Keerthika

3.Minor Sridhar

(2nd and 3rd respondents are represented by
her mother and natural guardian Seethalakshmi/
1st respondent)

4.Abdul Kader

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the award passed in M.C.O.P.No.1541 of 2024 on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur, dated 28.01.2026 pending disposal of the Civil Miscellaneous Appeal.

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For Appellant : Mr.Royce Emmanuel.S

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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/Special District Court, Thanjavur, in M.C.O.P. No.1541 of 2024 dated 28.01.2026.

2. The respondents are the claimant. The first respondent is the wife of the deceased and the second and third respondents are the children of the deceased. The case of the respondents is that on 01.10.2024 at about 9.15 p.m., the deceased was a pedestrian on the road, at that point of time, the minor driver of the two-wheeler belonging to the fourth respondent came in a rash and negligent manner and dashed against the deceased, as a result of which the deceased sustained grievous injuries and succumbed to the injuries on the way to the hospital. An FIR came to be registered in Crime No.804 of 2024. It is under these



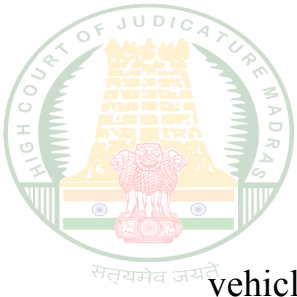
circumstances, the claim petition came to be filed before the tribunal.

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 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
Spousal Consortium to the 1 st respondent, wife of the deceased	Rs.48,000/-
Parental Consortium to the 2 nd and 3 rd respondents, children of the deceased	Rs. 96,000/-
Funeral Expenses	Rs. 18,000/-
Loss of Estate	Rs. 21,600/-
Loss of Income	Rs.15,48,888/-
Total	Rs.17,32,488/-

The above compensation amount of Rs.17,32,488/- 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



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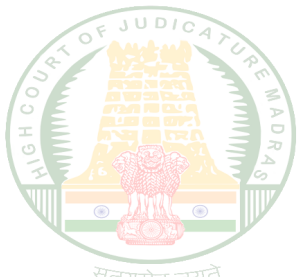
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vehicle did not possess a valid driving license, pay and recover was ordered.

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.

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



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recover.
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8. 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.

9. 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.

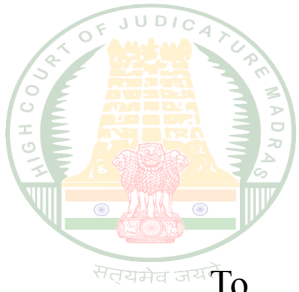
10. In the result, this Civil Miscellaneous Appeal stands dismissed. The claimants will be entitled to withdraw the compensation amount in the proportion as fixed by the Tribunal. No costs. Consequently connected Miscellaneous Petition is closed.

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

NCC :Yes/No
Index :Yes/No

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



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N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.

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