

C.M.A(MD)No.1571 of 2025

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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.1571 of 2025
and C.M.P(MD) No.20278 of 2025**

The Branch Manager,
M/s.Oriental Insurance Company Limited,
No.1548, Tenkasi Road,
Rajapalayam – 626 117.
Virudhunagar District.

... Appellant

Vs.

1.B.Prithvi Narayana

2.M.Sanjithkumar

3.D.Radhakrishnan

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the decree and judgment of the Tribunal of MACT cum Principal District and Sessions Court, Virudhunagar District @ Srivilliputhur made in MCOP.No.156 of 2023 dated 23.06.2025 and allow the appeal with costs.



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For Appellant : Mr.C.Jawahar Ravindran

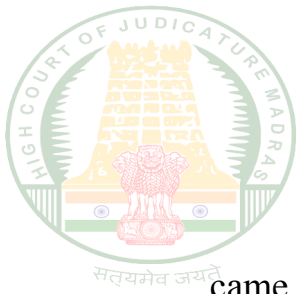
J U D G M E N T

**(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 Principal District and Sessions Court, Virudhunagar District @ Srivilliputhur, in M.C.O.P. No.156 of 2023 dated 23.06.2025 .

2. The first respondent who is the son of the deceased is the claimant. The case of the first respondent is that on 07.08.2022 at about 12.10 a.m., the deceased was travelling as a co-pasenger in the car belonging to the third respondent, at that point of time, the second respondent, who is the driver of the car, drove the same in a rash and negligent manner and rammed over a tree, as a result of which the deceased succumbed to the injuries. An FIR came to be registered in Crime No.325 of 2022. It is under these circumstances, the claim petition

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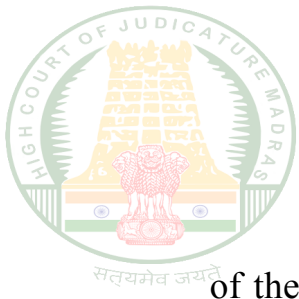
came to be filed before the tribunal.

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 third respondent.

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

Heads	Amount in Rupees
Loss of dependency and future prospects	1,80,000/-
Loss of consortium	40,000/-
Funeral expenses	15,000/-
Loss of estate	15,000/-
Total	2,50,000/-

The above compensation amount of Rs.2,50,000/-was directed to be paid along with interest at the rate of 7.5% per annum from the date



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of the petition. However considering the fact that the driver of the third respondent 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 third respondent 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



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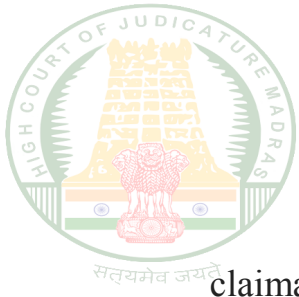
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in the order passed by the Tribunal applying the principle of pay and recover.

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 75% 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 25% of the compensation amount along with interest to the credit of M.C.O.P No.156 of 2023 on the file of the Motor Accident Claims Tribunal cum Principal District and Sessions Court, Virudhunagar District @ Srivilliputhur, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the



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claimant will be entitled to withdraw the remaining compensation. 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

Indu

To

- 1.The Tribunal of MACT cum Principal District and Sessions Court,
Virudhunagar District @ Srivilliputhur.
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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AND
K.K.RAMAKRISHNAN,J.

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