



C.M.A(MD)No.1483 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.1483 of 2025
and C.M.P(MD) No.19321 of 2025**

M/s.Royal Sundaram General Alliance Insurance
Company Limited,
represented by its Branch Manager,
No.12-A, 5th floor, ATP Towers,
By-Pass Road, Madurai – 625 010.

... Appellant

Vs.

1.Viswasam

2.Albert

3.Dessy

Arunkumar (Died)

4.Annapechi

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the award, dated 18.07.2025 made in MCOP No.1636 of 2022 on the file of Motor Accident Claims Tribunal/ (Special District Judge), Madurai and allow this appeal.



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For Appellant : Mr.S.Srinivasa Raghavan

For Respondents : M/s.G.Vidhya Maheswaran for R1 to R3

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), Madurai, in M.C.O.P.No.1636 of 2022 dated 18.07.2025.

2. The respondents are the claimants. 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 12.08.2022 at about 14.00 Hrs., the deceased was peddling a bicycle on the road, at that point of time, the rider of the two-wheeler belonging to one Late Arunkumar came in a rash and negligent manner and dashed against the deceased, as a result of which the deceased sustained grievous



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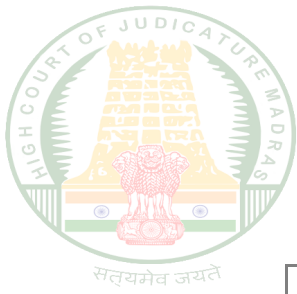
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injuries and the deceased was taken to Ponamaravathi Shri Durga Hospital succumbed to the injuries on 01.09.2022. An FIR came to be registered in Crime No.158 of 2022. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. In view of the demise of the rider of the offending vehicle, his legal heirs have been impleaded as parties to the present appeal.

4. 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 rider of the offending vehicle.

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



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Heads	Amount
Loss of Dependency	Rs.2,40,000/-
Loss of Consortium	Rs. 1,20,000/-
Medical Bills	Rs. 87,751/-
Funeral Expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Transportation Expenses	Rs. 5000/-
Total	Rs. 4,82,751/-

The above compensation amount of **Rs.4,82,751/-** 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 rider of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

6. The Insurance Company has filed the present appeal mainly on the ground that the rider of the offending vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.



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

8. 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 ***C.M.A.(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.

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 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

Indu

To

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

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K.K.RAMAKRISHNAN,J.

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