

C.M.A(MD)No.7 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.7 of 2026
and
C.M.P(MD) No.86 of 2026

The Branch Manager,
The National Insurance company Limited,
Pudukkottai.

... Appellant

Vs.

1.Ponammal

2.Gandhi

3.Natarajan

4.Ravichandran

5.Raja

6.Sahadevan

7.Rama Mahalingam

... Respondents



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PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the award dated 15.09.2025 passed in MCOP No.566 of 2023 on the file of the Motor Accident Claims Tribunal and Additional District and Special Court of Pudukottai by allowing this appeal.

For Appellant : Mr.V.Sakthivel

For Respondents : Mr.A.Banumathy for R1 to R6

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/ and Additional District and Special Court, Pudukottai in M.C.O.P. No. 566 of 2023 dated 15.09.2025.

2. The respondents are the claimants. The first respondent is the wife of the deceased and the second to sixth respondents are the children of the deceased. The case of the respondents is that on 07.08.2023, at about 6.15 p.m., while the deceased was a pedestrian, the



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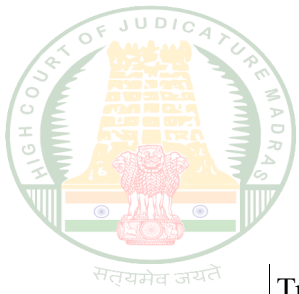
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driver of the Eicher van belonging to the seventh respondent rode the same in a rash and negligent manner and dashed against the deceased, as a result of which, the deceased sustained grievous injuries and was admitted at Puthukkottai Government Hospital. An FIR came to be registered in Crime No. 103 of 2023. 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:

Heads	Amount in Rupees
Loss of income	7,26,264/-
Loss of estate	10,000/-
Funeral expenses	15,000/-



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Transport expenses	10,000/-
Total	7,61,264/-

The above compensation amount of **Rs.7,61,264/-** 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 vehicle did not possess a valid heavy 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 heavy 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.



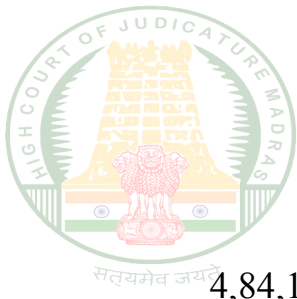
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7. The ground that was taken by the learned counsel appearing for the appellant is to the effect that the Tribunal ought not to have ordered for pay and recover. The said ground is squarely covered by the judgment of this Court in a batch of appeals 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 quantum of compensation is concerned, the learned counsel for the respondents submitted that the Tribunal has deducted only 1/4th towards personal expenses. Since the respondents 2 to 5 are not the dependents of the income of the deceased, the Tribunal ought to have deduct 1/2 towards the personal expenses. Hence, sought for modification.

9. Considering the said submission, the personal expenses would be arrived at Rs.(11,528 x 1/2) x 12 x 7 = Rs.4,84,176/-. Accordingly, the loss of dependency is reduced from Rs.7,26,264/- to Rs.



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4,84,176/- and the Tribunal has failed to award the compensation under the head of loss of estate and loss of consortium. Hence, this Court is inclined to award the compensation for loss of estate at Rs.15,000/- and loss of consortium at Rs.40,000*6=Rs.2,40,000/- and the total compensation would be arrived at Rs.7,64,176/- and the same is extracted hereunder:

Heads	Amount in Rupees
Loss of income	4,84,176/-
Loss of estate	15,000/-
Funeral expenses	15,000/-
Transport expenses	10,000/-
Loss of consortium	2,40,000/-
Total	7,64,176/-

9. It is brought to the notice of this Court by the learned counsel appearing for the Insurance Company that the entire award amount has already been deposited before the Tribunal.

10. In the result, this Civil Miscellaneous Appeal stands



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disposed of. 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 and Additional District and Special Court, Pudukottai.
- 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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