



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2040 of 2026

and

C.M.P.No.15746 of 2026

United India Insurance Co. Ltd.,
Having an office at
No. 178, Dr.Nanjappa Road
Park Gate, Coimbatore 641 018

Now at:
United India Insurance Co. Ltd.,
Regional Office,
No.178, Dr.Nanjappa Road,
Coimbatore - 641 018.

..Appellant

Vs

1. M.Ravikumar
S/o.Muthusamy
2. S.Harikrishnan
S/o.Sureshkumar
3. R.Sureshkumar
S/o.Rajendran

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order dated 17.12.2025 in MCOP No.1236 of 2023 passed by the Special Subordinate Judge, MACT, Coimbatore.

For Appellant : Mr.Sankaranarayanan Palani



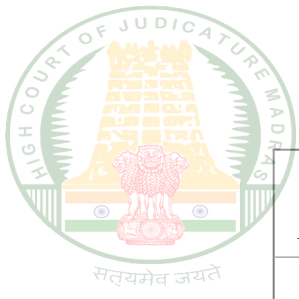
JUDGMENT

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Special Subordinate Judge, Coimbatore, in MCOP No.1236 of 2023 dated 17.12.2025.

2. The first respondent is the claimant. The case of the claimant is that on 06.04.2023, at about 18.45 hours, while the claimant was riding his two wheeler, the second respondent drove his two wheeler in a rash and negligent manner and dashed against the claimant, as a result of which, the claimant sustained grievous injuries and was admitted in hospital for treatment. An FIR came to be registered in Crime No.200 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. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Pain & suffering	1,00,000/-
2.	Medical expenses	1,65,720/-



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<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
3.	Loss of income	36,000/-
4.	Extra nourishment	25,000/-
5.	Loss of amenities	25,000/-
6.	Transporation expenses	10,000/-
7.	Attender charges	5,000/-
8.	Damages to clothing	5,000/-
	Total	3,71,720/-

The above compensation amount of Rs.3,71,720/- was directed to be paid along with interest at the rate of 7.5% p.a. from the date of the petition. However, considering the fact that the second respondent did not possess a valid driving license, pay and recover was ordered.

4. The Insurance Company has filed the present appeal mainly on the ground that the second respondent did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

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

6. 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



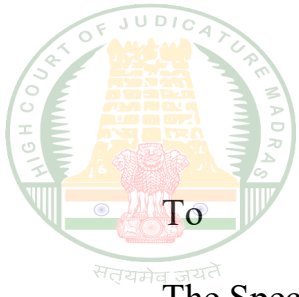
recover. It is seen that the accident had happened after the amendment and the policy issued is before the amendment. The said ground is squarely covered by the judgment of the Apex Court in *National Insurance Co. Ltd V. Swaran Singh and others reported in (2004) 3 SCC 297*. Hence, this Court does not find any illegality in the order passed by the Tribunal applying the principle of pay and recover.

7. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has granted a just and reasonable compensation and it does not require the interference of this Court.

In the result, this Civil Miscellaneous Appeal is dismissed. The appellant insurance company is directed to deposit the compensation along with accrued interest, less the amount already deposited, within a period of six (6) weeks from the date of receipt of a copy of this judgment and on such deposit, the claimant is entitled to withdraw the same on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs. Consequently, connected miscellaneous petition is closed.

07-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm



CMA No.2040 of 2



To

The Special Subordinate Judge,
MACT, Coimbatore.

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N.ANAND VENKATESH, J.

gm

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