



**MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUNELVELI
SPECIAL SUB COURT DEALING WITH MCOP CASES
TIRUNELVELI.**

**PRESENT:-THIRU.V. BREZNEV, M.A., L.L.M., (TN01507)
Special Sub Judge,
Motor Accident Claims Tribunal, Tirunelveli.**

Dated 11th day of August 2026

Motor Accident Claims Original Petition No.791/2025

C.N.R. No.TNTL170007142024

1. Subbulakshmi, aged 51 years,
W/o.Suyambulingam,
2. Ramalakshmi, aged 30 years,
W/o. Mariappan,
residing at No.12/1,
Mela Kattalai Street,
Kovilpathu, Kalakkad,
Tirunelveli - 627 501.
3. Selva Mary, aged 30 years,
W/o. Ganesan,
residing at No.59, 13th Avenue,
DAE Township, Kalpakkam,
Kancheepuram - 603 102.
4. Arumuga Nainar, aged 30 years,
S/o.Suyambulingam,
Petitioners 1 and 4 are
residing at D.No.19B,
Chettiyar Street,
Kovilpathu, Kalakkad,
Tirunelveli - 627 501.

--- Petitioners

Vs

Tamil Nadu State Transport Corporation Limited,
through its Managing Director,



office at 19,
Tiruvandrum Road,
Vannarpettai,
Tirunelveli- 627 003.

- - - Respondent

This petition came up for final hearing on 08.07.2026 before me, in the presence of Thiru.S.S.Vanamamalai, Advocate for the Petitioners, Thiru.M.Arumugam, Advocate for the Respondent. Upon hearing the arguments advanced on both sides, perusing the case records, and having stood over for consideration till this day, this tribunal now delivers the following :-

AWARD

1. This petition has been filed under Section 166 of the Motor Vehicles Amended Act, claiming compensation of ₹25,00,000/- together with interest at the rate of 12% per annum from the date of filing of the petition till the date of realization, along with costs.

1)	Name of the dead	Suyambulingam
2)	Age of the dead	: 58 years
3)	Occupation of the dead	: Sales Man
4)	Income Pleaded	: ₹20,000/- per month
5)	Name of the Respondent	: Tamil Nadu State Transport Corporation Limited, Tirunelveli
6)	Name of the Driver	: Pandidurai, S/o.Subbaiah
7)	Date of Accident	: 07.04.2025
8)	Date of Petition	: 05.04.2024



THE CLAIM PETITION IN BRIEF: -

2. The petitioners stated that on 07.04.2025, at about 08.00 A.M, the deceased was travelling as a passenger in the Bus bearing registration No. TN72N2263 belonging to the respondent from East to West, on the Palayamkottai - Junction Main Road. When the bus was reaching near Hotel Lakshmi Gayathri, at that time the driver drove the bus in a rash and negligent manner, with high speed and not even slow down the bus in a Chellapandiyan Over bridge Roundana and suddenly turned the bus towards South and then towards West in a zigzag manner. Due to sudden jerk, the deceased who was sitting on the front foot-board has lost his control and thrown out of the bus to the road and deceased sustained grievous injuries, but the deceased was succumbed due to injuries on 08.04.2025.

3. A criminal case under Sections 281, 125(a) BNS was registered in Crime No.114/2025 against the driver of the respondent by the TIW Tirunelveli City and the same is pending before the Judicial Magistrate Court No.1, Tirunelveli. Therefore, the petitioners have filed the claim petition seeking compensation of ₹25,00,000/- along with interest at 12% per annum and costs.

THE COUNTER STATEMENT OF THE RESPONDENT IN BRIEF:-

4. The petition is not maintainable. The respondent submitted that on 07.04.2025 the respondent's driver drove the bus bearing Registration No.



TN72N2263 and plying between Tirunelveli New bus stand to Tirunelveli Junction. At about 08.25 hrs, near the Vannarapettai Chellapandian fly over bus stop, the driver of this respondent drove the bus slowly, cautiously, following all traffic and road rules, before to stop bus at the bus stop, at that time a passenger, in a hasty manner, negligent manner, he tried to get-down from the running bus and fell down on the road and invited the accident. The entire accident was happened the negligent act of the deceased Suyambulingam only. The other allegations stated in the petition regarding the age, income, occupation, legal heirs of the deceased and manner of accident are all false and the same have to be proved strictly by petitioners themselves. The compensation claimed under various headings and interest are highly excessive and prayed for dismissal of the petition.

5. ORAL AND DOCUMENTARY EVIDENCE: -

On the side of the petitioners, PW1 examined and Ex.P1 to Ex.P6 were marked. On behalf of the respondent, RW1 was examined and no documents were marked.

6. POINT FOR DETERMINATION:-

1. Did the accident occur due to rash and negligent driver of the respondent's bus?
2. Whether the claimants are entitled to claim compensation?
3. What is the quantum of compensation payable to the claimants?



POINT NO.1 AND 2 :-

7. The 1st petitioner/claimant who is the wife of the deceased and also eye witness has been examined as PW1 and she has stated that on 07.04.2025, at about 08.00 A.M, the deceased and the 1st petitioner were travelling as a passenger in the Bus bearing registration No. TN72N2263 belonging to the respondent from East to West, on the Palayamkottai - Junction Main Road. When the bus was reaching near Hotel Lakshmi Gayathri, at that time the driver drove the bus in a rash and negligent manner with high speed and not even slow down the bus in a Chellapandiyan Over bridge Roundana and suddenly turned the bus towards South and then towards West in a zigzag manner. Due to sudden jerk, the deceased who was sitting on the front foot-board has lost his control and thrown out of the bus to the road and deceased sustained grievous injuries, but the deceased was succumbed due to injuries on 08.04.2025.

8. The claimants have produced the First Information Report (FIR) and as Exhibit P1. Upon perusal of Ex.P1 - First Information Report (FIR), it is seen that the accident occurred due to the rash and negligent and high speed, driver of the respondent's Bus bearing registration No. TN72N2263. It is also revealed that the bus driver suddenly turned the bus and at that time the deceased fell down and died. The respondent's bus driver has been examined as RW1 and he has admitted that the FIR was filed against him and also the criminal case is pending against him. Further, on the side of



the respondent, no independent or eye witness were examined to disprove the manner of accident. Accordingly, considering the evidence of PW1 and the documents supported by them such as FIR, this tribunal concludes that the accident occurred solely due to the rash and negligent driving of the driver of the Bus bearing registration No. TN72N2263. It is settled law, the owner of the vehicle is vicariously liable for the acts of the driver and accordingly, the respondent being the owner of the bus is liable to pay compensation to the claimants. Accordingly, Point No.1 and 2 are answered.

POINT NO.3 :-

9. The PW1 in her evidence stated that the deceased Suyambulingam was a Salesman and aged 58 years at the time of accident and earned ₹20,000/- per month. In this respect, the claimant has produced the Postmortem Certificate and Death Certificate as Ex.P2 and P3. On the date of accident, the age of the deceased is 58 years. Hence, this tribunal concludes that the age of the deceased was **58 years old** at the time of accident.

10. As per the PW1 evidence stated that the deceased Suyambulingam was a Salesman and earned ₹20,000/- per month. But the claimants have not proved the income of the deceased. However, even a laborer/unskilled employee could earn at least ₹600/- per day. Therefore, considering the age,



the nature of the deceased's alleged occupation and the absence of income proof, this tribunal has fixed the monthly notional income of the deceased at **₹18,000/-**.

11. As per the judgment of the Hon'ble Supreme Court in *National Insurance Company Limited Versus Pranay Sethi and Others* reported in 2017(2) TNMAC 609, 10% of the income should be added under the head of **Future prospects**. Accordingly, the loss of income and Future Prospects is **₹18,000/- + 10% (₹1,800/-) = ₹19,800/-**. Further, the deceased was a married person and there are 4 dependents of the deceased hence, after deducting 1/4th income for personal expenses, the monthly income of the deceased is **₹19,800/- - ₹4,950/- = ₹14,850/-**.

12. In other aspects the Hon'ble Supreme Court laid down that the ratio in the case of **Sarala Varma** are as follows:- Applying the principles of the Supreme Court in "*Smt.Sarala Varma and others /vs/ Delhi Transport Corporation and another*" (Reported in 2009(2) TNMAC page.1) (SC)," the multiplier for the age of **58** would be **9**. Accordingly, **loss of dependency** is **₹14,850/- x 12 x 9 = ₹16,03,800/-**.

13. The petitioners have also entitled consortium, loss of estate and Funeral Expenses as mentioned below tabular column.

**COMPENSATION PAYABLE**

14. For the above reasons, the just compensation payable is tabulated as follows:-

Sl. No.	HEADS	CALCULATION
1.	Loss of dependency	₹16,03,800/-
2.	Loss of Consortium	₹ 48,400/- x 4 = ₹1,93,600/-
3.	Loss of Estate	₹ 18,150/-
4.	Funeral Expenses	₹ 18,150/-
TOTAL COMPENSATION AWARDED		₹18,33,700/-

15. The above compensation apportioned to the 1st petitioner is entitled **₹16,88,500/-** along with proportionate cost and interest and the petitioners 2 to 4 are entitled **₹48,400/- each** along with proportionate cost and interest. Accordingly, the Point No.3 is answered.

16. In the result, the petition is partly allowed with proportionate costs in the following manner. The respondent is directed to pay the award amount with proportionate costs and interest within 30 days from the date of this order. The petitioners are awarded a sum of **₹18,33,700/-** as compensation with interest at 7.5 percent per annum from the date of filing as mentioned in para 1 to till the date of payment excluding the default period if any. The above compensation apportioned to the 1st petitioner is entitled



₹16,88,500/- along with proportionate cost and interest and the petitioners 2 to 4 are entitled **₹48,400/- each** along with proportionate cost and interest.

17. The respondent is also directed to pay the cost as tabulated hereunder.

Cost Statement on petitioner side		in ₹
1	Vakalath	10
2	Batta Memo	8
3	Stamp on documents	35
4	Advocate Fee fixed	25337
5	Court Fee fixed	17710
Total		43100

Deficit Court Fee Details		in ₹
1	Court Fee Already Paid (vide exemption order)	375
2	Court Fee Fixed (as per award)	17710
3	Deficit Court Fee to be paid within 10 days	17335

18. As per the Judgment of the **Hon'ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025**, the tribunals are directed to pass



an award by ordering the respondent to transfer the award amount into the Bank account of the claimant(s) with intimation to the Tribunals. Accordingly, the respondent is directed to transfer the award amount to the Claimant(s) Bank Account. The Petitioners Account Number and IFSC Code are given as follows:-

Claimants Name	Bank and Account Nos.	IFSC Code
Subbulakshmi	Indian Overseas Bank, District Court, Tirunelveli 176601000023430	IOBA0001766
Ramalakshmi	Indian Overseas Bank, District Court, Tirunelveli 176601000023652	IOBA0001766
Selvamary	Indian Overseas Bank, Kalakad, Tirunelveli 138301000062336	IOBA0001383
Arumuganainar	Indian Overseas Bank, District Court, Tirunelveli 176601000023654	IOBA0001766

19. Further, as stated above the respondent shall pay the award amount directly to the Claimant(s) Bank Account. Further, if the claimants are directly receiving the award amount from the Insurance Company/ Respondent, there is a possibility of evading deficit court fees, which are payable by the petitioner in this case. Therefore, the claimants are directed to remit the **deficit court fees within 10 days from the date of this order**. Further, the Claimants are directed to pay the deficit court fee in the following E-Court fees link pay.ecourts.gov.in.



MACT (SSC), Tirunelveli

Scan the code using 'e Court Services'
mobile application downloaded from the play store

20. After making of court fee by the Claimant (s); the claimant(s) are directed to produce two copies of Court fee paid receipt to this tribunal. After verification and getting seal from this court, one such copy of court fee paid receipt to be handed over to the Insurance / Respondent's Advocate. Further, after obtaining receipt of court fee paid from the claimants alone, the respondent shall transfer the award amount to the Claimants. If any award amount transferred by the respondent to the claimants without receiving court fees paid receipt, it is the responsibility upon the respondent to remit the court fees to this tribunal later. Therefore, the parties are directed to adhere the above conditions strictly without any deviation.

21. The Respondent shall directed to furnish intimation of compliance to this tribunal after transferring the award amount to the Claimants.

Following the judgment of the Hon'ble High Court of Madras in M/s. Chola mandalam MS General Insurance Co Ltd., Vs Ayyanar and others reported in **2020 (4) CTC 272**, 'No Decree is prepared'. All the parties are entitled to free digital copies of the award as per Section 168 (2) of the MV Act and Rule 20 (6) of the Motor Vehicle Accident Claim Tribunal Rules.

Directly dictated to Steno Typist and typed in the computer directly and it was corrected and pronounced by me on **11th day of August 2026**.

Special Sub Judge,
Motor Accident Claims Tribunal,
Tirunelveli.



PETITIONERS SIDE WITNESS:-

PW1	Subbulakshmi (1 st Petitioner)
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PETITIONERS SIDE DOCUMENTS:-

Ex.P1	Copy of FIR
Ex.P2	Copy of Postmortem Report
Ex.P3	Copy of Death Certificate
Ex.P4	Copy of Legal Heirship Certificate
Ex.P5	Copy of Adhaar card of the Petitioners
Ex.P6	Copy of front page of Bank Passbook of the petitioner

RESPONDENT SIDE WITNESS:-

RW1	Pandidurai (Respondent's bus Driver)
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RESPONDENT SIDE DOCUMENT:- NIL

Special Sub Judge,
Motor Accident Claims Tribunal,
Tirunelveli.

Order uploaded in E-Court on 11.08.2026