

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, COIMBATORE**PRESENT:- S. MOHANA RAMYA, B.A., B.L.,****SPECIAL SUBORDINATE JUDGE,****MOTOR ACCIDENT CLAIMS TRIBUNAL, COIMBATORE,****WEDNESDAY, this the 19nd day of NOVEMBER 2025****M.C.O.P.No:-1266/2023**

1. Vijayaraghavan

2. Arun Kumar

--Petitioners

/Versus/

1. Hari Krishnan

2. Jeganathan

3. The Magm HDI General Insurance Co., Ltd., Coimbatore --Respondents

(a).	Name and address of the Claimant/Petitioner(s)	1. Vijayaraghavan, S/o.Srinivasan, aged about 31/2023 years, residing at D.No.9/B, 13/B, 53th Street, E-Sector, Sivasakthi Nagar, Railway Car Shed Complex, Thiruvallur-600 109. 2. Arun Kumar, S/o.Srinivasan, aged about 29/2023 years, residing at D.No.9/B, 13/B, 53th Street, E-Sector, Sivasakthi Nagar, Railway Car Shed Complex, Thiruvallur-600 109.
(b).	Name and address of the Respondent(s)	1. Hari Krishnan, S/o.Jeganathan, aged about 21/2023 years, residing at D.No.51, Venkatachalam Compund, Thirumalai Nagar, Gandhi Nagar Post, Tiruppur-641 603. 2. Jeganathan, S/o.Ramanathan, full-aged, residing at D.No.51, Venkatachalam Compund, Thirumalai Nagar, Gandhi Nagar Post, Tiruppur-641 603. 3. The Magma HDI General Insurance

		Company Limited, having Office at 2 nd Floor, Sri Complex, No.1510, Trichy Road, Coimbatore-641 018.
(c).	Name and address of the Insurance Company	The Magma HDI General Insurance Company Limited, having Office at 2 nd Floor, Sri Complex, No.1510, Trichy Road, Coimbatore-641 018.
(d).	Name and address of the Transport Corporation or such other Respondents who are held liable to pay	Not applicable
(e).	Date of Filing of the Claim Petition	22.08.2023
(f).	Date of Award	19.11.2025
(g).	Award Amount	Rs.5,14,100/- (Rupees Five Lakhs Fourteen Thousand One Hundred Only)
(h).	Interest Rate Applicable	7.5%
(i).	Date(s) from which Interest is payable	22.08.2023
(j).	Costs, If any	Court Fee --₹. 4514/- Stamp on Vakalath --₹. 10/- Advocate Fee --₹.13641/- Total --₹.18165/-
(k).	In cases where the compensation, interests and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	The 3 rd Respondent/Insurance Company to deposit the entire award amount of Rs.5,14,100/- (Rupees Five Lakhs Fourteen Thousand One Hundred Only) with interest and cost.
(l).	In case where there are several claimants, the shares and amounts payable to each of them shall be specified.	The Petitioner is entitled to Rs.5,14,100/- (Rupees Five Lakhs Fourteen Thousand One Hundred Only) with proportionate interest and cost.
(m).	The mode and manner of deposit of compensation	The 3 rd Respondent is directed to deposit the award amount with interest and cost of the State Bank of India, Virtual Account.No.SSJCBE, IFSC

		Code.No.SBIN0004266 of Special Subordinate Judge, MACT, Special Sub-Court for MCOP Case, Coimbatore maintained at State Bank of India, Main Branch, Coimbatore, within 30 days from date of this award.
(n).	The mode and manner of disbursement	The Petitioner is permitted to withdraw the entire amount on its deposit, after payment of the balance Court Fee.
(o).	Period of default to which the Petitioner (s) is/are not entitled for interest if any	Nil
(p).	Court Fee paid so far	₹.20/-
(q).	Deficit Court Fee payable within 14 days from the Date of Award	₹.4,494/-
(r).	Excess Court Fee Refundable	NIL

Award passed in the format as directed by the Hon'ble High Court of Madras, in M/s.Cholamandalam MS General Insurance Co., Ltd., /VS/ Ayyannar and others in Tr.CMP.Nos. 264 to 281 of 2020 dated 11.05.2020.

This petition came up for final hearing before me in the presence of Thiru.C.Paraneedharan, Advocate for the Petitioner and Thiru.P.Ashok, Advocate for the 3rd Respondent and Respondents 1 & 2 set exparte and upon hearing the arguments of both side and upon perusing the case records and having stood over till this day for consideration, this Court passed the following:-

ORDER

This petition has been filed under Section 166 (1)(a) of the Motor Vehicles Act seeking a compensation of Rs.25,00,000/-.

(2). The Gist of the Petition:-

On 20.05.2023, at about 8.55 a.m, the Petitioners mother namely Kumudhavalli was walking at Coimbatore-Sathy Road, near Saravanampatti Amman Kovil Bus Stop, at that time, the 1st Respondent drove the **YAMAHA R15 BIKE bearing Regn.No:-TN-39-CQ-2551** in a rash and negligent manner and hit the Petitioner, that due to the accident, the Petitioners mother Kumudhavalli sustained grievous injuries, that immediately, Kumudhavalli was taken to Coimbatore Government Medical College, Coimbatore for first aid treatment and thereafter to Dr.Muthu's Hospital for treatment and admitted as in-patient. The Petitioners mother suffered breathing problem due to the accidental injuries and admitted at Dr.Muthu's Hospital on 13.06.2023 and died on 14.06.2023. With regard to the accident, a case in Cr.No.252/2023, U/s.279, 337 IPC was registered at Coimbatore City-TIW-East Police Station, that the accident took place only due to rash and negligent driving of the 1st Respondent. The 1st Respondent is the driver cum owner and 2nd Respondent is the Insurer of the **YAMAHA R15 BIKE bearing Regn.No:-TN-39-CQ-2551**. All the Respondents are jointly and vicariously liable to pay compensation to the Petitioner. Hence, this Petition.

(3). The Gist of the Counter-Statement of 3rd Respondent:-

The petition is not maintainable either on facts or on law. The Respondent denies the entire allegations stated in the petition as false except which are admitted herein. The Petitioner is put to strict proof of the allegations denied by the

Respondent except those which are specifically admitted herein. It is false to allege that on 20.05.2023, at about 8.55 a.m, the Petitioners mother namely Kumudhavalli was walking at Coimbatore-Sathy Road, near Saravanampatti Amman Kovil Bus Stop, at that time, the 1st Respondent drove the **YAMAHA R15 BIKE bearing Regn.No:-TN-39-CQ-2551** in a rash and negligent manner and hit the Petitioner, that due to the accident, the Petitioners mother Kumudhavalli sustained grievous injuries, that immediately, Kumudhavalli was taken to Coimbatore Government Medical College, Coimbatore for first aid treatment and thereafter to Dr.Muthu's Hospital for treatment and admitted as in-patient, that the Petitioners mother suffered breathing problem due to the accidental injuries and admitted at Dr.Muthu's Hospital on 13.06.2023 and died on 14.06.2023, that with regard to the accident, a case in Cr.No.252/2023, U/s.279, 337 IPC was registered at Coimbatore City-TIW-East Police Station, that the accident took place only due to rash and negligent driving of the 1st Respondent. It is the Petitioners mother who attempted to cross the road carelessly and invited the accident. Without prejudice to the contention regarding the manner of accident, the Petitioner is liable to prove the nature of injuries, period of treatment, medical expenses, quantum of disability and other expenses claimed by him. The claim made by the Petitioner under various head is in excess. This petition is liable to be dismissed.

(4). The Respondents 1 & 2 is set-exparte. The 3rd Respondent/Insurer of the 2nd Respondent's YAMAHA R15 BIKE bearing Regn.No:-TN-39-CQ-2551 filed petition

U/S.170 of MV Act and allowed on 18.03.2025. The 3rd Respondent is permitted to take the defense that ought to have been taken by the Respondents 1&2.

(5). The Points for consideration:-

1. Whether the accident took place due to the rash and negligent driving by the 1st Respondent -YAMAHA R15 BIKE bearing Regn.No:-TN-39-CQ-2551?
2. Whether the Petitioner is entitled for compensation? If so, what is the quantum?
3. Who is liable to pay compensation?

(6). On behalf of the Petitioner, PW-1 examined and Ex-P1 to Ex-P20 marked. On the side of the 3rd Respondent, no oral evidence, Ex-R1 marked during the cross-examination of PW-1 by 3rd Respondent.

(7). POINT NO 1:-

The contention of the Petitioner regarding the claim is that on 20.05.2023, at about 8.55 a.m, the Petitioners mother namely Kumudhavalli was walking at Coimbatore-Sathy Road, near Saravanampatti Amman Kovil Bus Stop, at that time, the 1st Respondent drove the **YAMAHA R15 BIKE bearing Regn.No:-TN-39-CQ-2551** in a rash and negligent manner and hit the Petitioner, that due to the accident, the Petitioners mother Kumudhavalli sustained grievous injuries, that immediately, Kumudhavalli was taken to Coimbatore Government Medical College, Coimbatore for first aid treatment and thereafter to Dr.Muthu's Hospital for treatment and

admitted as in-patient, that the Petitioners mother suffered breathing problem due to the accidental injuries and admitted at Dr.Muthu's Hospital on 13.06.2023 and died on 14.06.2023, that with regard to the accident, a case in Cr.No.252/2023, U/s.279, 337 IPC was registered at Coimbatore City-TIW-East Police Station, that the accident took place only due to rash and negligent driving of the 1st Respondent.

The 3rd Respondent contended that the 1st Respondent never drove YAMAHA R15 BIKE bearing Regn.No:-TN-39-CQ-2551 in a rash and negligent manner and caused the accident, it is the Petitioner who attempted to cross the road carelessly and invited the accident and that the 3rd Respondent is not liable to compensate the Petitioner.

(8). Based on the rival contentions, it could be discerned that the 3rd Respondent had explicitly admitted the accident, but has denied the rashness and negligence of the 1st Respondent. The 1st Petitioner namely Vijayaraghavan examined as PW-1. The Petitioners side have marked Ex-P1 to Ex-P20. The F.I.R in Cr.No.252/2023 dated 20.05.2023 of Coimbatore City TIW-East Police Station is Ex-P1. The Final Report is Ex-P2.

(9). The standard of proof to prove the negligence is only preponderance of probability and not proof beyond reasonable doubt. Our Hon'ble High Court of Madras in **2014 (1) TNMAC 156 - Muthu /Vs/ The Managing director, TNSTC**, has held that the tribunal is bound to determine whose negligence is the cause of

the accident and the same may be determined on the basis of preponderance of probability and further held that the standard of proof doesn't require proof beyond reasonable doubt. Here, the 3rd Respondent attributes the negligence on the part of the Petitioner. Our Hon'ble Apex Court in **2014(1) TNMAC 456-Meeradevi & another /Vs/ HRTC & others**, held that when the respondent attributes negligence on the part of the Petitioner, the Respondent is bound to prove the same by substantial evidence.

(10). As stated in the decision, the 3rd Respondent is bound to prove the negligence of the deceased by substantial evidence. As per the contention of the Petitioners, the accident took place on 20.05.2023. The F.I.R was registered on 20.05.2023. The 3rd Respondent has not denied the accident, but the rashness and negligence of the 1st Respondent. No eye witness examined by the 3rd Respondent to prove the negligence on the part of the Petitioners mother Kumudhavalli, whereas the Petitioners have proved their case by probable evidence. The 1st Petitioner examined as PW-1 has spoken about the accident and the rashness and negligence of the 1st Respondent. On perusal it could be discerned that nothing worthwhile was elicited to disbelieve the version of PW-1. The F.I.R, and oral testimony of PW-1 reveals that the accident is caused due to the negligence of the 1st Respondent. The standard of proof to establish the negligence is lesser than preponderance of probability. The Petitioners have established their case by probable evidence. The evidence of PW-1 is corroborated with the documentary evidence. Hence, there is no hesitation to hold

that the accident occurred only due to the rash and negligent riding of the driver of the offending vehicle. Hence, Point.1 is answered accordingly.

(11). POINT.No.2

Ex-P7 is the Accident Register. Ex-P8 is the Medico Legal Form. Ex-P9 is the Discharge Summary of the Dr.Muthu's Hospital regarding treatment of the deceased Kumudhavalli from 20.05.2023 to 09.06.2023. Ex-P10 are Medical Bills. Ex-P11 is the Death Intimation Letter dated 14.06.2023. Ex-P12 is the Post Mortem Certificate of Kumudhavalli. Ex-P13 is the Death Certificate of Kumudhavalli. Ex-P14 is the Legal Heirship of Kumudhavalli. Ex-P18 is the Medical Health Check Up Report of the deceased Kumudhavalli. As per the said documents, it could be seen that the deceased Kumudhavalli had sustained grievous injuries, and the Petitioner was admitted at Coimbatore Government Medical College Hospital for first aid treatment and thereafter for treatment at Dr.Muthu's Hospital from 20.05.2023 to 09.06.2023. It is proved that the deceased Kumudhavalli met with the road accident on 20.05.2023 and sustained grievous injury due to the accident. The deceased Kumudhavalli is reported as 'died' on 14.06.2023. The accident occurred on 20.05.2023. It is mentioned in the Wound Certificate and Discharge Summary, that the deceased Kumudhavalli sustained the injuries as follows:-

Head Injury- Traumatic Brain Injury
Left Frontal Contusion
Left Zygomatic Bone Fracture

Pelvic Injury
Bilateral Superior and Inferior -Pubic Rami Comminuted Fracture with mild Hemoperitoneum

L3, L4, L5 right transverse process fracture

and procedure done -

Left Zygomatic Fracture -Closed Reduction of Left Zygomatic Arch,
Conservative management for Pelvic Injury done with Pelvic Binder,
Coservative management for L3, L4, L5 Right Transverse Process Fracture.

The Petitioners mother Kumudhavalli died on 14.06.2023. Post mortem was conducted. The Petitioners claim that there is nexus for the accidental injuries and death of their mother-Kumudhavalli. On the other hand, the 3rd Respondent has contended that the death of Kumudhavalli is in no way related to the accidental injuries sustained on 20.05.2023. In support of the contention, the 3rd Respondent side has relied upon the following decisions reported in :- (1) 2023 ACJ 1358, Divisional Manager, Reliance General Ins. Co. Ltd., / VS/ Inbavalli and others, (2) CMA(MD) No.152/2024, The Branch Manager, The Oriental Insurance Company Ltd., / VS/ Francies (Died) and others, (3) CMA(MD) No.526/2021, CMP (MD) No.4881/2021, Cholamandalam MS General Insurance Company Ltd., /VS/ S. Ramachandran (Died) and others, (4) 2025 (2) TNMAC 289 (SC), Haseena and others /VS/ United India Insurance Co. Ltd., and another.

(12). The Post Mortem Certificate is marked as Ex-P12. The Final Opinion of the 'Post Mortem' is marked as Ex-R1. The accident occurred on 20.05.2023. The Petitioners mother Kumudhavalli is reported as 'died' on 14.06.2023. The reason for the demise of Kumudhavalli is opined as "Ischemic Heart Disease' in Ex-R1. As per medical dictionary, Ischemic Heart Disease is a heart problem caused by narrowed

or blocked coronary arteries, which reduces blood and oxygen flow to the heart muscle. It is also known as coronary artery disease (CAD) and is most commonly caused by atherosclerosis, the buildup of fatty plaque in the arteries and this condition can lead to complications such as chest pain, a heart attack, or heart failure. A perusal of the discharge summary it could be seen that the Petitioner was admitted as in patient at Dr.Muthu's Hospital from 20.05.2023 to 09.06.2023 regarding treatment for accidental injuries and discharged on 09.06.2023. Ex-P9 -Discharge Summary reveals that the Petitioner had treatment for Left Zygomatic Fracture -Closed Reduction of Left Zygomatic Arch, Conservative management for Pelvic Injury done with Pelvic Binder, and Conservative management for L3, L4, L5 Right Transverse Process Fracture and further the deceased Kumudhavalli was discharged after improvement. The Petitioner has not examined the Doctor to prove that the deceased died due to the injuries sustained in the accident. The post mortem certificate clearly reveals that the Petitioners mother Kumudhavalli had died on the account of 'Ischemic Heart Disease' which is not related to the accidental injuries. Therefore, the accidental injuries sustained by the deceased cannot be taken as the reason for her death.

(13). Considering the nature of injuries sustained and age of the deceased Kumudhavalli, the Petitioners would have spent towards extra nourishment that would have given for speedy recovery, Rs.50,000/- is awarded. The deceased Kumuthavalli has underwent treatment after accident and naturally, the deceased

would have been assisted by an attender. Towards the attender charges Rs.25,000/- is awarded. The Petitioners claimed that they had incurred transportation charges. A sum of Rs.25,000/- is awarded towards transportation expenses. The Petitioner had claimed medical expenses and marked the medical bills as Ex-P10. All other medicals bills are original and genuine. Thus, a sum of Rs.4,14,100/- (rounded-off) is awarded towards the medical expenses in Ex-P10. With regard to the other claims made by the Petitioner, no documents were filed. In fine, this tribunal award the following amount towards the claim of the Petitioner under the given heads.

1. Towards Medical Expenses	--Rs.4,14,100/-
2. Towards Extra nourishment	--Rs.50,000/-
3. Towards Attender Charges	--Rs.25,000/-
4. Towards Transportation Expenses	--Rs.25,000/-
Total	--Rs.5,14,,100/-

This point is answered Accordingly.

The Petitioners are the sons of deceased Kumudhavalli. Ex-P19 is the Police Complaint dated 12.12.2006 given by deceased Kumudhavalli along with CSR.No.563/1997 dated 21.11.1997. Ex-P20 is the Acknowledgment receipt for receipt of application from th deceased. On perusal of the records, it could be seen that the deceased Kumudhavalli and her husband Srinivasan had strained relationship and both lived separately and as such the husband of the deceased had never been a dependent on the deceased. Accordingly, the Petitioners are solely entitled to the compensation as the dependents of deceased Kumudhavalli. The

Petitioners are each entitled to Rs.2,57,050/-, being the children of the deceased. This point is answered accordingly.

(14). POINT NO.3:-

The M.V.I.Report of YAMAHA FASCINO BIKE bearing Regn.No:-TN-66-AA-7950 is Ex-P3. The Driving License of the 1st Respondent is Ex-P4. The Registration Certificate of YAMAHA FASCINO BIKE bearing Regn.No:-TN-66-AA-7950 is Ex-P5. The Insurance Certificate of YAMAHA FASCINO BIKE bearing Regn.No:-TN-66-AA-7950 is Ex-P6. The 1st Respondent is the driver, 2nd Respondent is the owner and 3rd Respondent is the Insurer of the YAMAHA FASCINO BIKE bearing Regn.No:-TN-66-AA-7950. It is decided in Point No.1 above that the accident took place due to the negligence of the driver of the YAMAHA FASCINO BIKE bearing Regn.No:-TN-66-AA-7950. Therefore, the 2nd Respondent, being the owner of the YAMAHA FASCINO BIKE, is liable to pay the compensation. It is admitted factum that the YAMAHA FASCINO BIKE is insured with the 3rd Respondent and insurance had been valid from 28.02.2019 to 27.02.2024. The accident took place on 28.10.2021. The insurance was in force at the time of accident. There is no violation of policy terms and 3rd Respondent is bound to indemnify the 2nd Respondent. This point is answered accordingly.

(15). In the result, the petition is partly allowed as follows:-

(1). The Petitioners are awarded Rs.5,14,100/- (Rupees Five Lakhs Fourteen

Thousand One Hundred Only) together with interest at 7.5% per annum from the date of petition till the date of deposit. The Petitioners being the children of the deceased are awarded Rs.2,57,050/- each.

(2). The 3rd Respondent shall pay a sum of **Rs.5,14,100/- (Rupees Five Lakhs Fourteen Thousand One Hundred Only)** to the Petitioners.

(3). The 3rd Respondent is directed to deposit the award amount of **Rs.5,14,100/- (Rupees Five Lakhs Fourteen Thousand One Hundred Only)** with interest at the rate of 7.5% p.a from the date of presentation of the petition till the date of realization, with costs, within 30 days from the date of order. The entire amount shall be paid to the credit of the State Bank of India Virtual Account No.SSJCB, IFSC Code No.SBIN0004266, directed by NEFT/RTGS Mode.

(4). The Petitioners are not entitled to get any interest for the default period if any.

(5). The Petitioners are hereby directed to furnish a copy of the first page of Bank pass book of himself, which compulsorily contain the photograph of the Petitioners duly attested by the bank concerned, self attested copy of the pan card if available, to this Tribunal, within a period of one month from today for the deposit of award amount in his bank account, failing which the Petitioners are not entitled to withdraw the award amount.

(6). The Petitioners are permitted to withdraw the amount on deposit.

(7). Advocate fee of Rs.13,641/- shall be paid through NEFT / RTGS Mode.

(8). The Petitioners directed to pay the court fee of Rs.4,494/- within 14 days from the date of this order. The Petitioners shall not be entitled to withdraw the sum deposited as per the award until the balance of court fee is deposited.

(9). On such payment only the decretal order for the Petitioner shall be Provided.

(10). No amount shall be deducted towards TDS in the award amount.

Directly typed, corrected by myself in the Laptop/Computer, printed out by Steno/Typist and pronounced by me in the Open Court on this the **19th day of November 2025.**

**SPECIAL SUBORDINATE JUDGE,
SPECIAL SUB COURT TO DEAL WITH
MCOP CASES,
COIMBATORE.**

Petitioner's side Witness :

PW1 - Thiru. Arunkumar (2nd Petitioner)

Petitioner's side exhibits:

Ex. No.	Date	Details
P1	20.05.2023	FIR internet download copy
P2	-	Final Report internet download copy
P3	-	MVI Report of TN 39 CQ 2551 internet download copy
P4	-	TN 39 CQ 2551 Vehicle Registration Certificate xerox copy
P5	-	TN 39 CQ 2551 vehicle Insurance Policy xerox copy

P6	-	1 st Respondent Driving Licence xerox copy
P7	-	Accident Register internet download copy
P8	-	Police Intimation / Accident Register xerox copy
P9	-	Discharge Summary Original
P10	-	Medical Bills with objection
P11	-	Post Mortem Report internet download copy
P12	-	Post Mortem Certificate xerox copy
P13	-	Death Certificate xerox copy
P14	-	Legal Heir Certificate xerox copy
P15	-	Copy of 1 st Petitioner Aadhaar Card compared with original
P16	-	Copy of 2 nd Petitioner Aadhaar Card compared with original
P17	-	Copy of 2 nd Petitioner Bank Pass book 1 st Page compared with original
P18	-	Kumuthavalli Health Check Up Medical Summary xerox copy with objection
P19	-	The Police Complaint dated 12.12.2006 given by deceased Kumudhavalli along with CSR.No.563/1997 dated 21.11.1997
P20	-	The Acknowledgment receipt for receipt of application from th deceased

3rd Respondent side Witnesses :

- Nil -

3rd Respondent side Exhibits:

EX.R1 - Final Opinion xerox copy (PW1 Cross)

**SPECIAL SUBORDINATE JUDGE,
SPECIAL SUB COURT TO DEAL WITH
MCOP CASES, COIMBATORE.**