

Before the Motor Accidents Claims Tribunal

(In the III Court of Small Causes, Chennai)

Present: Tr. R.Jagadeesan, M.L.,

Thursday, the 18th day of December 2025

Motor Accidents Claims Original Petition No.2119 of 2024

CNR NO : TNCH09-002594-2024

1) Chellammal

2) Santhosh

3) Arunmozhi,

All are residing at:-

No.5/ 10, Padasalai Street,

Kallikuppam, Ambattur

Chennai-600 053

... Petitioners

-Vs-

1. Mr. V.Pandian

S/o. Vijayramu

No.6, Maya Street,

Boombukar Nagar,

Ambattur,

Chennai-600 053

2. The Manager,

United India Insurance Co. Ltd.,

Motor Third Party Claims Cell

No.134, Greams Road,

Thousand light

Silingi Building, Chennai - 6.

... Respondents

This petition came up before me for final hearing on 15.12.2025 in the presence of M/s.P.Selvaraj Counsel appearing for the Petitioners and M/s.S.Suriyaprakash, T.Karthikeyan, R.Ramesh Counsels appearing for the 1st respondent and M/s.D. Bhaskaran Counsel appearing for the 2nd respondent and upon hearing the arguments on both sides and upon perusing the entire records of the case, having stood over for consideration till this date, this Tribunal pronounces the following:-

ORDER

This petition has been filed under Section 166 of the Motor Vehicles Act and Rule 3 of the Motor Vehicles Rules, seeking for compensation of Rs.30,00,000/- for the fatal injuries sustained by deceased in a motor accident.

1. Facts relating to the claim

- | | | |
|-------------------------------------|---|--------------------|
| 1. Claim for | : | Fatal Injury |
| 2. Name of the deceased Person : | | Devaraj |
| 3. Age of the deceased Person : | | 50 years |
| 4. Occupation | : | Painter |
| 5. Income pleaded | : | Rs.1,000/- per day |
| 6. Date of accident | : | 31.01.2024 |
| 7. Compensation Claimed | : | Rs.30,00,000/- |
| 8. Date of petition presented | : | 07-03-2024 |
| 9. Date of petition taken on file : | | 24-04-2024 |

2. The averments made in the petition are briefly as follows:-

On 31.01.2024 at 12 noon the deceased walking along Ambattur Redhills Road at Soorapattu Gandhi Nagar 1st street junction along east to west direction at that time the 1st respondent Maruti Omni – Car bearing Reg. No.TN-07-CM-1305 which came rash and negligently from south to north direction hit the deceased and caused fatal injuries. The 1st respondent is owner of the Car bearing No.TN-07-CM-1305. The 2nd respondent being insurer of the vehicle both are jointly severally and vicariously liable to pay the compensation as claimed by the petitioner.

3. a) The averments made in the counter filed by the first respondent are briefly as follows:-

This petition is not maintainable in law and on facts. This respondent denied the manner of the accident. The petitioners are put to strict proof of the date, time of accident, valid policy, driving licence of the respondent's vehicle. This respondent denied the age, income, and occupation of the deceased and the petitioners are put to

strict proof of the same. The pedestrian lethargically and negligently under the influence of alcohol consumed nearby wine shop and suddenly crossed the road from the narrow gap in the median line of the road from east to west direction without following the rules and regulation of the busy heavy vehicle movement road. However the deceased at the age of more than 50 years fell down before the car and thus the accident occurred even though the driver drove the car slowly and cautiously. Hence the deceased himself invited the accident in a rash and negligent manner by crossing the very busy Ambattur, Red Hills Road, which is leading from National High Ways. In fact this respondent and his son have admitted the deceased in the hospital. Therefore this respondent is not liable to pay any compensation to the petitioners for the death of Devaraj, since he is not responsible for the accident. That the amount claimed on various heads are highly excessive. The respondent prays for the dismissal of this petition with cost.

3. b) The averments made in the counter filed by the second respondent are briefly as follows:-

This petition is not maintainable in law and on facts. This respondent denied the manner of the accident. The petitioners are put to strict proof of the date, time of accident, valid policy, driving licence of the respondent's vehicle. This respondent denied the age, income, and occupation of the deceased and the petitioners are put to strict proof of the same. That the amount claimed on various heads are highly excessive. The respondent prays for the dismissal of this petition with cost.

4. The point for consideration in this petition are as follows:-

- (1) Whether this accident has occurred due to the rash and negligent driving of the driver of the Car bearing
Regn. No. TN-07-CM-1305?
- (2) Whether the Petitioner is entitled for compensation? and
if so, what is the quantum?
- (3) Who is liable to pay the compensation?

5. On the side of the Petitioner, 1st petitioner was examined as PW1 and Ex.P1 to Ex.P12 were marked through her. Eye witness was examined as PW2 and Ex.P13 was marked through him. On the side of the Respondents, no one was examined and no exhibits were marked.

6. Point No.1:

i) Heard the learned counsel for the petitioner and the respondent. Records perused. In order to prove the case, the 1st petitioner herself was examined as P.W1. On perusal of the evidence of P.W1, she has categorically deposed that on 31.01.2024 at 12 noon the deceased walking along Ambattur Redhills Road at Soorapattu Gandhi Nagar 1st street junction along east to west direction at that time the 1st respondent Maruti Omni – Car bearing Reg. No.TN-07-CM-1305 which came rash and negligently from south to north direction hit the deceased and caused fatal injuries. The 1st Petitioner further deposed that the above said accident was happened due to the rash and negligent driving of the driver of the Car bearing Reg.No. TN-07-CM-1305 belongs to the 1st respondent. On the side of the petitioners one Mr. Saravanan eye witness was examined as PW2 he has deposed that the accident was happened due to negligent act of the driver of the Car bearing Reg.No. TN-07-CM-1305.

ii) In order to prove the fact that the accident was happened due to the rash and negligent driving of the driver of the Car bearing Reg.No. TN-07-CM-1305, belongs to the 1st respondent, the 1st petitioner has filed Ex.P1 FIR. On perusal of the Ex.P1, it is evident that the FIR was registered by the Police against the driver of the Car bearing Reg No.TN-07-CM-1305 which belongs to the 1st respondent only. The said document is quite evident that the accident was happened due to the rash and negligent driving of the driver of the Car bearing Reg.No. TN-07-CM-1305 belongs to the 1st respondent. The said evidence of PW1 was not shattered by the respondent in the cross examination.

iii) The 1st and 2nd Respondents have not brought anything contra from the cross examination of PW1 as to the cause of the accident. Though the 2nd

respondent's counsel has argued that the deceased was crossing the road and he himself invited the accident, there is no negligent on the part of the driver of the 1st respondent. To prove the version of the 2nd respondent they have not let in any oral evidence or documentary evidence. On the side of the 2nd respondent no eye witness was examined and no exhibits were marked. In the absence of any oral or documentary evidence on the side of the 2nd respondent the arguments advanced by the 2nd respondent that the deceased himself has invited accident and the same is not accepted by this Tribunal.

iv) From the evidence of PW1 and Ex.P1 FIR, it is clearly established that the driver of the Car bearing Reg.No.TN-07-CM-1305 belongs to the 1st respondent was driving the said vehicle in a rash and negligent manner and dashed against the deceased, due to which the accident was occurred. Considering these facts, this court has come to conclusion that the accident was happened due to the rash and negligent driving of the driver of the Car bearing Reg.No.TN-07-CM-1305. Accordingly, this point is answered.

7. POINT NO.2: QUANTUM :-

For the reason stated in Point No.1 this Tribunal has come to a conclusion that due to the rash and negligent driving of the driver of the Car bearing Reg.No.TN-07-CM-1305 belongs to the 1st respondent, the accident was occurred. As the petitioner claimed the compensation under various heads this Tribunal for his convenience has proceeded to decide each head separately.

8.a) AGE OF THE DECEASED AT THE TIME OF THE ACCIDENT:

The petitioner claims that the age of deceased was 50 years old at the time of occurrence. As per the Ex.P3 death report and Ex.P6 postmortem certificate, the age of the deceased is mentioned as 50 years. Though the respondent has denied the age of the deceased in their counter, to substantiate said fact they did not let in any evidence in this aspect. Therefore, this court has come to a conclusion that on the date of occurrence the age of deceased is 50 years.

The accident occurred on 31.01.2024. The deceased sustained fatal injuries and died on the spot. On the side of the petitioner, Legal heir-ship certificate Ex.P7 was filed. It appears that the 1st petitioner is the wife of the deceased, the 2nd and 3rd petitioners are the son and daughter of the deceased. Therefore, this court has come to a conclusion that the petitioners are the sole legal heirs of deceased.

b) INCOME OF THE DECEASED AT THE TIME OF THE ACCIDENT:

The PW1 in her chief examination deposed that her husband was hale and healthy at the time of his death and he was working Painter and earned a sum of Rs.1,000/- per day. To substantiate to prove the income of the deceased, the petitioner did not produce any documents. In the absence of income proof, as per the judgment reported in 2019(1) TNMAC Page 54, the Hon'ble High Court Division Bench in Andal Vs Avinav Kannan, the notional income of Rs.17,535/- p.m is taken by this tribunal for calculating the compensation. Therefore, this Tribunal is inclined to fix the notional income of the petitioner as Rs.17,535/- rounded off to Rs.17,600/-p.m to arrive at just and fair compensation.

c) FUTURE PROSPECTS :

The future prospects in terms of the decision of the Hon'ble Supreme Court of India in the case of National Insurance Company Limited Vs. Pranay Sethi and others reported in 2017 (2) TANMAC 609 (S.C.) is taken into consideration. As per the guideline, the age of the deceased as 50 years, the future prospects to be fixed as 25% then income of the deceased to be increased to **Rs.22,000/-** (Rs.17,600/-+Rs.4,400/-) per month.

d) PERSONAL DEDUCTION AND MULTIPLIER:-

As per the guidelines laid down by the Hon'ble Supreme Court in case of Smt. Sarla Verma and Others Vs Delhi Transport Corporation Another, the multiplier '13' is adopted for the deceased who had completed 50 years and 1/3 has to be deducted from the income of the deceased towards his personal living expenses. Therefore, **the loss of dependency is calculated as follows. Rs.22,000/- X 12 X 13 X 2/3 = Rs.22,88,000/-.**

e) LOSS OF ESTATE AND FUNERAL EXPENSES:

As per the Judgment of the Hon'ble Supreme Court in *Pranay Sethi and others Case*, a sum of Rs.18,150/- is awarded under the head of Loss of Estate and Rs.18,150/- is awarded under the head of Funeral expenses.

f) LOSS OF CONSORTIUM:

The petitioners have lost their father and they are entitled compensation a sum of Rs.48,400/-each under the head of Spouse and Parental consortium, in the above accident as per the decision of Hon'ble Supreme Court in *Magma General Insurance Company Limited Vs. Nanu Ram Alias Chuhru Ram and others dated 18.08.2018 vide. C.A.No.9581/2018*.

The petitioner has produced Ex.P3 medical bills for Rs.14,660/- and same is allowed on the head of medical expenses.

g) TOTAL COMPENSATION:

In total, the petitioner is awarded with a sum of **Rs.24,84,160/-** as compensation under different heads mentioned below:-

Sl.No.	HEADS	AMOUNT
1	Loss of Income	Rs. 22,88,000/-
2	Loss of consortium (Rs.48,400/-x3)	Rs. 1,45,200/-
3	Loss of Estate	Rs. 18,150/-
4	Funeral Expenses	Rs. 18,150/-
5	Medical expenses	Rs. 14,660/-
	Total	Rs. 24,84,160/-

h) APPORTIONMENT OF COMPENSATION

As the petitioners are the legal heir of the deceased. As the 1st petitioner is the wife of the deceased is entitled a sum of **Rs.10,84,160/-** with interest. The 2nd and 3rd petitioners are the son and daughter of the deceased are entitled a sum of **Rs.7,00,000/-each** with interest. This point is answered accordingly.

9. POINT NO.3:- LIABILITY

In the point No.1, this tribunal has come to a conclusion that the driver of the 1st respondent's vehicle alone is responsible for the accident. It is evident from the Ex.P12 insurance policy and Ex.P11 Driving licence of driver of the 1st respondent's vehicle that the 1st respondent is the owner of the vehicle, the driver of the 1st respondent's vehicle possessed valid driving licence at the time of the accident and the vehicle belonged to the 1st respondent was properly insured with the 2nd respondent and the policy is in force at the time of accident. Since the deceased is a third party and insurance policy is in force the 2nd respondent alone responsible to pay the compensation to the petitioner. Hence, this point is answered accordingly.

10. RESULT:-

In the result, the petition is partly allowed with costs as follows. The petitioners are awarded **Rs.24,84,160/-(Rupees Twenty Four Lakhs Eighty Four Thousand One Hundred and Sixty only)** together with interest at 7.5 percent per annum from the date of petition till the date of deposit (Excluding the default period if any). As the 1st petitioner is the wife of the deceased is entitled a sum of **Rs.10,84,160/-** with interest. The 2nd and 3rd petitioners are the son and daughter of the deceased are entitled a sum of **Rs.7,00,000/-each** with interest.

1. The 2nd respondent shall deposit the award amount with interest and costs within two months from today in the Current Account This tribunal account particulars- Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai. Email ID. chnccc.sccrc-tn@indiancourts.nic.in method as held by the Hon'ble High Court, Madras in **2016(1) TN MAC 433 (The Oriental Insurance Company Limited, Kannur /Vs/ Rajesh and 2 others)** and also shall give intimation to this Tribunal by way of sending pay advice slip.

2. The petitioners are directed to furnish the first page of Bank Pass book copy

of petitioners 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 with proportionate interest and cost of the petitioners by transferring it into their Bank Account through RTGS or NEFT method as per the judgment of the Hon'ble High Court, Madras in **2016(1) TN MAC 433**.

3. After deposit of the award amount by the 2nd respondent, the Petitioners are permitted to withdraw the entire award amount with entire interest and costs.

4. The petitioners shall pay the balance court fee within 15 days from today. Failing which, the petitioners are not entitled the interest on the award amount, from the date of default in paying the balance court fee.

5. Based on the fees fixed by the Tamil Nadu State Legal Authority Act Circular dated 17.10.2016 and Rule 20(5) of Tamil Nadu Motor Vehicles Accident Claims Tribunal Rules 1989 the Advocate fee is fixed at Rs.31,841.60/-

6. Copy of Order and Decreetal Order is prepared under Sub rule 6 of rule 20 of TNMAC Rules 1989 and Hon'ble High Court ROC of 390-A/2014/F1 dated 13.12.2014 is obediently followed.

Thereafter the compensation amount along with interest has to be deposited to the following petitioner's bank account.

Petitioner Name	Bank Name and Branch	Account number and IFSC code	Aadhar Card number	Pan Card number
Chellammal	Punjab National Bank, Ambattur	302900170001773 2 PUNB 0302900	7074 0539 5888	Not furnished
Santhosh	State Bank of India, Ambattur	35887914562 SBIN0000265	3116 9244 4190	Not furnished
Arulmozhi	Tamil Nadu Grama Bank, Thamaraiakkam	10165894541 IDIB0PLB001	9416 2677 2966	Not furnished

7. In view of the directions issued by the Hon'ble Division Bench of the High

Court of Madras in C.M.A.No.428 of 2016 dated 11.03.2016, the petitioners are hereby directed to furnish the attested copy of their Pan card to this Tribunal within a period of one month from today.

8. That the Court fee paid along with the petition is Rs.375/-.

9. That the Court fee for the award amount is Rs.24,214.10/-. The deficit court fee of Rs.23,839.10/- shall be paid by the petitioner within two weeks from the date of order.

10. Advocate fee is Rs.31,841.60/-.

11. That the second respondent to pay the cost sum of Rs.56,100.70/- to the petitioners towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	07-03-2024
Date of taken up on file	-	24-04-2024
Compensation claimed in the M.C.O.P.	-	Rs.30,00,000/-
Compensation awarded in this petition	-	Rs.24,84,160/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.24,214.10/-
Additional court fee shall be paid	-	Rs.23,839.10/-
Additional court fee paid, MP SR.No.....; dated		

Cost List for the petitioner

<u>STATEMENT OF COSTS</u>						
<u>For the petitioners</u>					<u>For the Respondents</u>	
		<u>Rs.</u>	<u>P.</u>		<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	24,214	10			
Stamp on Vakalat	-	5	00			
Stamp for process	-	40	00		-- not filed --	
Advocate fees		31,841	60			
Costs allowed	-	56100	70			

The direction regarding copy of the Judgment and decreetal order prepared under Sub rule 6 of Rule 20 of TNMAC Rules, 1989, and Hon'ble Madras High Court's communication in R.O.C.No.390-A/2014/F1 dated 13.02.2014 are obediently followed. And further it is informed, as per the direction of the Hon'ble High Court, as far as this claim Petition is concerned, Decree is not drafted separately. And in the award, instead of drafting the decree, necessary details have been incorporated in this claim Petition's order.

This order has been dictated by me to the Steno typist, typed by her in the computer directly, corrected and pronounced by me in the open Court, on this Thursday, the 18th day of December 2025.

III Judge
Court of Small Causes, Chennai.

Petitioner's side Witness:

P.W.1 : Mrs. Chellammal, 1st Petitioner

P.W.2 : Mr. Saravanan, Eye witness

Petitioner's side Exhibits:

Ex.P1 : Copy of FIR

Ex.P2 : Copy of Alteration report

Ex.P3 : Medical bills

Ex.P4 : Copy of Death report

Ex.P5 : Copy of Death certificate

Ex.P6 : Copy of Postmortem certificate

Ex.P7 : Copy of Legal heir-ship certificate

Ex.P8 : Copy of Aadhar card of deceased

Ex.P9 : Copy of Aadhar card of petitioners

Ex.P10 : Copy of bank pass book of petitioners

Ex.P11 : Copy of Driving licence

Ex.P12 : Copy of Insurance policy

Ex.P13 : Copy of Aadhar card of PW2

2nd Respondent side Witness: NIL

2nd Respondent side Exhibits: NIL

III Judge
Court of Small Causes, Chennai.