

**BEFORE THE MOTOR ACCIDENT CLAIM TRIBUNAL/
ADDITIONAL DISTRICT COURT (FAST TRACK COURT),
VELLORE, VELLORE DISTRICT.**

PRESENT:	Thiru.P.V.Sandilyan, M.L., Motor Accident Claims Tribunal Judge/ Additional District Judge (FTC), Vellore.
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Tuesday, the 28th day of July, 2026

M.C.O.P. No.67/2022

(CNR No.TNVL01-006850-2021)

a.	Name and address of the Claimant / Petitioner (s)	1. Sivaji, aged 55 years, Husband of Mageswari, 2. Santhiya, aged 22 years, D/o.Mageswari 3. Sharmila, aged 20 years, D/o.Mageswari 4. Sowmiya, aged 19 years, D/o.Mageswari All are residing at No.130, Bajanai Koil Street, Kandaneri Village and Post, Anaicut Taluk, Vellore District.
b.	Name and address of the respondent (s)	1. P.Mahendiran, age not known to the petitioners, Driver, residing at No.2/199, Jodukuli Pattuvalavu Jodukuli Gundakkatal Post, Kadayampatti Taluk, Omalur, Salem District. 2. D.Parthasarathi, age not known to the petitioners, S/o.Devarajan, owner of the vehicle, residing at No.1/65, Ramapuram Omalur, Karuvalli, Salem District. 3. The New India Assurance Co., Ltd., Vellore Insurance Company Ltd., having office at Vellore. Policy No.31090031200350000199 valid up to 10.06.2020 to 09.06.2021.
c.	Date of filing of the claim petition	22.12.2021
d.	Date of award	28.07.2026

e.	Amount of award with interest	Rs.39,47,200/- (Rupees Thirty Nine Lakhs Forty Seven Thousand and Two Hundred Only).											
f.	Date from which interest is payable	22.12.2021 till the date of payment of compensation, subject to payment of additional court fee if any.											
g.	Default period and exempted period to which the petitioners are not entitled for interest, if any.	NIL The petitioners are not entitled for interest for the default period and exempted period if any. (Refer: National Insurance Co. Ltd. Vs. Mannat Johal 2019 (15) SCC 260)											
h.	Costs, if any	<table><tr><td>Court Fee</td><td>20.00</td></tr><tr><td>Stamp on Vakalath</td><td>10.00</td></tr><tr><td>Additional Court Fee</td><td>38,825.00</td></tr><tr><td>Advocate Fee</td><td>58,972.00</td></tr><tr><td>TOTAL</td><td>97,827.00</td></tr></table>	Court Fee	20.00	Stamp on Vakalath	10.00	Additional Court Fee	38,825.00	Advocate Fee	58,972.00	TOTAL	97,827.00	
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TOTAL	97,827.00												
i.	By whom Payable	The 2 nd & 3 rd respondents are directed to pay the compensation amount of Rs.39,47,200/- (Rupees Thirty Nine Lakhs Forty Seven Thousand and Two Hundred Only) . with cost and interest @ 7.5% per annum from 22.12.2021, the date of this petition, till the date of payment of compensation, subject to payment of additional court fee if any.											
j.	To whom Payable & in what proportion	Out of the above award, the petitioners, being the husband is entitled to the award amount of Rs.15,00,000/- and three daughters of the deceased are entitled for the equal share in the award amount i.e., Rs.8,15,733/- (Rupees Eight Lakhs Fifteen Thousand and Seven Hundred and Thirty Three Only) each.											
k.	Court Fees to be paid:	The petitioners have paid Rs.20/- as court fee at the time of filing the claim petition. Now, as per the compensation awarded the petitioners are liable to pay additional court fee Rs.38,825/- . The petitioners are directed to pay the additional court fee within two months from the date of this order. If the											

	petitioners fail to pay the additional court fee within the above stipulated time as per the decision of Hon'ble Madras High Court reported in 2022 (1) TNMAC 683 the petitioners will be entitled to the award amount less the additional court fee to be paid in the above proportion and will not be entitled for any interest thereafter. The court fee component amount shall be first withdrawn by the Concerned Court Section from the deposit amount and put in a separate court (ledger) account and deposit the same into the Treasury.
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1. Sivaji
2. Santhiya
3. Sharmila
4. Sowmiya

.... Petitioners

/Vs/

1. P.Mahendiran
2. D.Parthasarathi
3. The New India Assurance Co., Ltd., Vellore.

.... Defendants

This petition came up before me for final hearing on 24.07.2026, in the presence of Thiru.G.Ravi, Tr.G.Sivakumar, Counsels for the Petitioners, Tr.J.Chittibabu, Counsel for the third Respondent; first and second respondents were called absent set exparte and after perusing the materials on record and having stood over for consideration this court passes the following:

A W A R D

The petitioners/claimants filed claim petition U/s.166 of M.V. Act 1988 for awarding a sum of Rs.20,00,000/- (Rupees Twenty Lakh only) as

compensation for the death of one **Mageswari, W/o.Sivaji** in a road traffic accident that happened on 11.01.2021 and with costs.

2. Brief averments in the petition:-

2.1 On 11.01.2021 at about 02.15pm, while the deceased and her husband tied the bulls in their lands for grazing and were proceeding together one by one towards south to north while they were on Vellore to Ambur N.H. Road, near Selvaraj House, a Eicher vehicle bearing Regn.No.TN 30 BS 7867 was driven by its driver proceeding from Vellore to Ambur in a rash and negligent manner without following the traffic rules and regulations endangering human life and without raising horn, hit over the deceased, for which the deceased sustained head injury and injury all over the body. Then informed to NH Ambulance, after examination of the deceased they informed that the injured person was already died. The deceased was thereafter taken to GH Adukkambarai for conducting postmortem.

2.2 In this connection, the Pallikonda Police had registered a Criminal Case against the driver of the Eicher lorry bearing Regn.No. TN 30 BS 7867 in Crime No.12/2021, U/s.279 & 304(A) of I.P.C.

2.3 Before the accident deceased was owning agricultural lands, cattle sheds and other domestic animals in her lands out of which the deceased was earning Rs.25,000/- per month. The first petitioner is the husband, 2 to 4 petitioners are daughters of deceased Maheswari. The petitioners are the legal heirs and depending upon the income of the deceased M.Srinivasan.

2.4 The first respondent is the driver and the second respondent is the owner of the Eicher lorry bearing Regn.No. TN 30 BS 7867 which was involved in the accident and driven by his driver at the time of accident. The said vehicle is insured with the third respondent and the insurance policy was in force and subsisting at the time of accident and as such the third respondent is also liable to pay the compensation amount as indemnifier of the second respondent. Hence all the respondents jointly and severally liable to pay a sum of Rs.20,00,000/- as compensation to the petitioners.

3. Brief averments of the Counter filed by the Third Respondent:-

3.1 The petition is unsustainable in law and on facts. The respondent denies the petition allegation that 11.01.2021 at about 14.15 hrs a pedestrian S.Maheswari was walking near Kandaneri Selvaraji house in Vellore - Ambur NH road and she was crossing the road and at that time a Eicher lorry bearing Regn.No. TN 30 BS 7867 hit the deceased and the deceased succumbed to injuries are all denied. Without prejudice that the driver of the vehicle belonging to this insured was driving the vehicle carefully adhering to the traffic rules and the deceased suddenly crossed the road and hit against the lorry and sustained injuries and the deceased himself has to be blamed for the accident. The respondent denies the age, income and occupation of the deceased. The alleged vehicle was involved in the accident the petitioners have falsely given a complaint against the alleged vehicle for getting compensation

from this court. The petitioner has not given the correct particulars about the insurance. The owner of the accident vehicle has not produced any documents i.e. the DL. RC. FC and IC for verification. It goes on to show that the respondent is not the insurer at the time of accident. The owner of the vehicle has colluded with the petitioner. Therefore this respondent has right to contest the matter in all available grounds. The information stated in the Col.23 of the petition the same is false and concocted invented by the petitioner for the purpose of getting the claim amount from this court. The respondent denies that the petitioner are legal heirs of the deceased. The claim in any event is highly exaggerated and fanciful. It is therefore prayed to dismiss the petition as against this respondent with cost.

4. The points for consideration are as follows:

- 1. Whether the accident occurred on account of the rash and negligent driving of Eicher lorry bearing Regn.No. TN 30 BS 7867?**
- 2. Whether the petitioners are entitled to claim compensation for the said accident? If so, from whom?**
- 3. What is the quantum of compensation to which the petitioners are entitled?**
- 4. What is the additional Court fee payable and what is the appropriate Advocate's fee to be paid?**

5. To substantiate their claim, the first petitioner Tr.Sivaji examined as PW1, Ex.P1 to Ex.P19 were marked. On the side of third respondent, the Investigator Tr.M.Baskar was examined, Ex.R1 & Ex.R2 were marked.

6. The third respondent filed applications U/s.170 of Motor Vehicles Act, 1988 seeking permission to contest the claim on all grounds available to the owner of the Eicher lorry bearing Regn.No. TN 30 BS 7867 and it was allowed, since the respondent No.1 was remained absent and set exparte.

7. Point No.1:-

7.1 The claim petition filed under section 166 of the Motor Vehicles Act, the Claimants must establish the accident was caused by the 1st Respondent/driver of the vehicle due to rash and negligent driving. It is a settled position of law that, in claim cases, arising out of motor accident, the court has to apply the principles of preponderance of probability and cannot apply the test of proof beyond reasonable doubt. The proceedings before the Claimants Tribunal are summary in nature, strict proof of evidence is not required. In the absence of any rebuttal evidence, the finding of the Tribunal regarding negligence cannot be termed as perverse or it is not a case of no evidence.

7.2 To prove the rash and negligence driving of the second respondent Eicher lorry the deceased husband PW1 Tr.Sivaji deposed evidence in support of the averments made in the claim petition. PW1 relied on Ex.P1 Certified xerox copy of First Information Report registered in Cr.No.12/2021, by the Pallikonda Police, as against the first respondent / driver of second respondent Eicher lorry bearing Regn.No. TN 30 BS 7867, U/s.279, 304(A) IPC. It is

evident from Ex.P1, FIR that the Criminal Law was set into motion as against the driver of Eicher lorry, for his rash and Criminal negligence conduct in causing the accident.

7.3 The Hon'ble Supreme Court, in the Judgment reported in 2007 (2) TN MAC 106(SC), in the case of Oriental Insurance Company Limited Vs. Premlata Shukla and Others held that, *Evidence - Document Admissibility - Once a part of contents of document admitted in evidence, party bringing same on record not permitted to turn round and contend that other contents in rest part thereof had not been proved - Claimants placed reliance upon FIR - FIR marked as an Exhibit and both parties relied thereupon - Once a part of FIR relied upon by both parties, no illegality committed by Tribunal relying upon other part, irrespective of contents proved or not - If contents have been proved, question of reliance thereon only upon a part thereof and not upon rest, on technical ground that same had not been proved in accordance with law, would not arise - Party objecting to admissibility of document must raise its objection at appropriate time - If objection not raised and document allowed to be marked and that too at instance of party which proved same and wherefore consent of other party had been obtained, former cannot be permitted to turn round and raise a contention that contents of documents had not been proved and thus, should not be relied upon.*

7.4 The Hon'ble High Court of Madras, in the Judgment reported in 2025 (2) TNMAC 752, as held that **"Claimants examined PW2/Eye witness to prove negligence - No Independent Witness examined by Insurer to disprove evidence of PW2 - Without examining Independent Witness, Insurer/Appellant cannot question negligence"**.

7.5 PW1 preferred a police complaint against the driver of the 1st respondent Eicher lorry and FIR was registered based on the complaint of PW1. The third respondent had not disputed the Ex.P1 FIR. PW1 is an eye witness, his evidence is not disproved by the third respondent by examining the second respondent Eicher lorry driver. The first respondent who was the driver of the Eicher lorry alone would have competent to depose negligence on the part of the deceased who crossed the national highway without any evidence on the part of first respondent driver and without his involvement atleast as a witness, the third respondent / insurance company contention that no negligence on the part of first respondent is not tenable one.

7.6 Without any evidence for the third respondent to disprove the negligence on the side of second respondent Eicher lorry driver this Tribunal concludes satisfying the evidence of the first petitioner that the second respondent Eicher lorry driver drove the vehicle in a rash and negligent manner and caused the accident.

7.7 This Tribunal decided negligence on the part of first respondent the quantification of negligence is to be considered to the facts and circumstances of this case. On perusal of Ex.P2 Postmortem certificate it indicates that the deceased Mageswari would have died due to Head and Chest injuries.

7.8 The learned counsel for the third respondent vehemently argued that the deceased Mageswari near Kandaneri Selvaraj house in Vellore to Ambur National Highway Road which passes East to West direction, she crossed the National Highway from South to North which is away from pedestrian path or zebra crossing and voluntarily invited the accident which is also evident from Ex.R1 rough sketch and Ex.R2 the Google Map of the scene of occurrence and prayed to fix the contributory negligence at 40% relying *the Hon'ble Madras High Court Judgment in R.Mageswari and Others Vs. Selvaraj, the Bajaj Aliance General Insurance Company Ltd., in CMA.2100/2026 dated 09.07.2026.*

7.9 On perusal of Ex.P1 FIR, which preferred by the deceased husband Tr.Sivaji/PW1, reveals that "என் மனைவி முன்னால் செல்ல நான் பின்னால் வீட்டிற்கு செல்ல கந்ததேனரி சந்திப்பு அருகில் செல்வராஜ் வீட்டிடம் தெற்கிலிருந்து வடக்கு நோக்கி வேலூர்-ஆம்பூர் தேசிய நெடுஞ்சாலையில் நடந்து ரோட்டை கடக்கும்போது வேலூர் பக்கமிருந்து வந்த TN 30 BS 7867 என்ற வண்டி"

7.10 PW1 in his evidence also reiterated the facts in his pleadings page 2 para 2. RW1 in his evidence also categorically deposed that the deceased crossed the National Highway which 100 meters distance from the pedestrian path or zebra crossing and invited the accident. The scene of occurrence in Ex.R1 rough sketch indicates that which is 100 meters away from the pedestrian path or zebra crossing at Kandeneri Junction is not disputed by the petitioner through his cross examination.

7.11 Ex.R1 is the rough sketch indicates that scene of occurrence is away from the pedestrian path or zebra crossing. Though zebra crossing is not mentioned in the rough sketch Ex.R1 the petitioner themselves in their evidence testified that the deceased crossed the National Highways before the Selvaraj house which is not admittedly in the Kandeneri Junction where the place meant to cross the National Highway. This court for the collateral purpose rely the rough sketch Ex.R1, the petitioner himself admitted the scene of occurrence was not in the Kandeneri Junction, pedestrian path. With regard Ex.R1 & R2 the petitioner objected while marking the document as xerox copy and online copy and argued not to rely those documents with these disabilities. The MACT proceedings are summary in nature and are not strictly bound to follow the Evidence Act for the reason the act itself for welfare and beneficial legislation and strict rules of evidence cannot be allowed to override the interest of justice and to adopt a liberal approach in relying the evidence since the original Rough Sketch would be with the police and third respondent

cannot be expected to produce. Ex.R1 and R2 are admissible as secondary evidence and this court is relying with probability value of those documents.

7.12 Relying the evidence it is evident that the deceased crossed the National Highway not in the pedestrian path or zebra crossing thereby invited the accident and contributed her negligence by crossing the Chennai - Bangalore National Highway from South to North before the Selvaraj house. From the evidence this court is inclined to fix the contributory negligence of the deceased as 20% and 80% of negligence is fixed on part of the driver of the second respondent Eicher lorry.

Hence Point No.1 is answered accordingly.

8. Point No.2:-

It is evident from Ex.P5 MVI Report shows that the second respondent is the owner of the Eicher lorry and the third respondent is its Insurer and there is valid Insurance Policy at the time of accident. Thus, it is made clear that the offending Eicher lorry bearing Regn.No.TN 30 BS 7867 was possessing all valid documents contemplated under the Motor Vehicles Act at the time of accident. Therefore, the 3rd respondent is liable to indemnify the contract of insurance with the second respondent. Hence, the respondents Nos.2 and 3 are held jointly and severally liable to pay the compensation to the petitioners.

This point is decided in favour of the petitioners and against the second and third respondents.

9. Point No.3:-

To decide fair and just compensation, it is required to conclude the age of the deceased, the loss of monthly income, the number of dependents to arrive at the loss of dependency, additions to be made for future prospects, the deductions to be made towards the personal living expenses of the deceased and the multiplier to be applied with reference to the age of the deceased.

i. Age of the deceased:-

As per petition, deceased Mageswari was aged 40 years at the time of accident. Ex.P2 is the certified xerox copy of Postmortem Certificate of deceased Mageswari and Ex.P7 record sheet of the deceased. As per the above document, the deceased age mentioned as 40 years, therefore the age of deceased is concluded as 40 years.

ii. Loss of Monthly income of the deceased:-

According to the petitioners who are husband and three daughters of the deceased Mageswari stated in the petition she was a agriculturist and earning Rs.25,000/-. But the petitioners have not chosen to file any proof for bank pass book of the deceased to substantiate the fact that deceased was earning the sum of Rs.25,000/- per month at the time of accident.

The learned counsel for the petitioner relied the Hon'ble Supreme Court of India Judgment reported in *2026 INSC 634 in the case of Shishupal @ Shish Ram and Ors Vs. Surjeet and Ors. held that,*

" Homemakers or Nation Builders, establishing a minimum value of Rs.30,000/- p.m, for unpaid domestic work and creating a distinct compensation head for the loss of domestic care.

A composite sum of Rs.30,000/- shall be added under the head of "loss of domestic care " provided that all three of these heads are met in the given case. This determination shall be revised by 10% cumulatively, every three years.

It may be clearly stated that this amount of Rs.30,000/- i.e., loss of domestic care is to be taken as a " stand-in " (basic minimum monthly income) for monthly income in those cases where the home maker does not have an input in to the house, in strict conventional, monetary terms. In those cases where the home maker is part of the workforce, the component of loss of domestic care shall be in addition to the monthly income as may be proved before the Tribunal / Courts.

Relying on the above Hon'ble Apex Court citation, there is no proof adduced by the petitioners for the agricultural income this court is not inclined to take notional income for the deceased as a addition to the loss of domestic care income and hence the Tribunal inclined to fix the deceased income under the head of loss of domestic care as Rs.30,000/- p.m.

iii. Loss of dependency:-

a) Number of dependents:

As discussed above and as per Ex.P4 Legal heir certificate of deceased Mageswari, the petitioners are husband and 3 daughters of the deceased and the number of dependent is concluded to be **Four (4)**.

b) Additions for arriving at the income of the deceased – Future prospects:

The age of the deceased having been concluded as 40 years, as per her date of birth Ex.P9 01.06.1980 she had completed 40 years and that above 40 years of age as per the settled legal proposition in Sarla Verma case, **25%** additions is provided towards future prospects of the self-employed home maker deceased Mageswari.

c) Deductions towards personal living expenses of deceased:

With regard to deduction towards personal living expenses of the deceased, as per the decision laid down in **Sarla Verma and Others -vs- Delhi Transport Corporation and another, reported in 2009 (2) TNMAC 1 Supreme Court**, considering the nature of employment and the daughters considered to be dependents, therefore **1/4th** of the income is deducted towards personal and living expenses of the deceased. Hence, **1/4th of the income** is deducted towards personal and living expenses of the deceased.

d. The Multiplier to be applied with reference to the age of deceased:-

The age of the deceased having been concluded as 40 years, regarding the selection of multiplier in a claim petition filed under Section 166 of the Act, the Hon'ble Supreme Court in **Sarla Verma and Others -vs- Delhi Transport Corporation and another** (2009) 6 SCC 121 affirmed by a 3 Judge Bench in **Reshmakumari and others -vs- Madhanmohan and another** (2013) 9 SCC 65 and approved by a constitutional bench in **National Insurance Company Ltd. -vs- Pranay Sethi and Others** (2017) 16 SCC 680 has finally laid down the multiplier to be adopted of the deceased/injured persons falling in age group of **41 to 45** and the case on hand multiplier applicable as per the decision reported in **Smt.SarlaVerma case**, is **Fourteen (14)**.

iv. Conventional Head:-

As per the 2017(2) TN MAC 609 (SC) *National Insurance company Limited Vs. Pranay Sethi*

"the reasonable figures on conventional heads, namely loss of Estate, Loss of Consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. As per the above decision the aforesaid amount should be enhanced at the rate of 10% for every 3 years."

Considering that the present accident has occurred on 11.01.2021 and the above decision of the Hon'ble Apex court has been decided on 31.10.2017, this tribunal orders Loss of Estate to the tune of Rs.16,500/-, Loss of Consortium to the tune of Rs.44,000/- and Funeral Expenses to the tune of Rs.16,500/-.

However, as per **Magma General Insurance Co., Ltd., Vs. Nanu Ram @ Chuhru Ram & Ors** for Parental consortium of 2nd to 4th petitioners, spousal consortium Rs.40,000/- consortium is provided for each petitioners.

v. Calculation of award amount:-

Loss of domestic care / monthly income	Rs.30,000/- (add 25% future prospects) = 30,000 + 7,500/- = 37,500/- = 37,500 (1/4th deductions for personal living expenses of deceased) = 37,500 - 9375 = 28,125/- = 28,125 x 12 Months x 14 (Multiplier) = 47,25,000/-	47,25,000
Loss of Estate	16,500	16,500
Loss of consortium	44,000 x 4	1,76,000
Funeral expenses	16,500	16,500
	Total	49,34,000
	Less : Contributory negligence (20%)	9,86,800
	Compensation payable	39,47,200

Total compensation amount arrived is **Rs.39,47,200/- (Rupees Thirty Nine Lakhs Forty Seven Thousand and Two Hundred Only)**. Out of the above award, the petitioners, being the husband is entitled to the award amount of **Rs.15,00,000/- (Rupees Fifteen Lakh Only)** and three daughters

of the deceased are entitled for the equal share in the award amount i.e., **Rs.8,15,733/- (Rupees Eight Lakhs Fifteen Thousand and Seven Hundred and Thirty Three Only)** each. Considering the age, fiscal background and state of society to which the petitioners belong and in the larger interest of the petitioners, the entire award amount is ordered to be transferred to the petitioners.

Point No.3 is answered accordingly.

10. Point No.4

i. Court Fee :-

The Court fee over and above Rs.1,00,000/- is Rs.372.50 + 1% of the amount by which the amount claim exceeds Rs.1,00,000/-. The petitioners have paid Court Fee Rs.20/-. Award amount arrived is **Rs.39,47,200/-**. Hence the additional Court fee to be paid by the petitioners is (**Rs.38,472/- + 372.50 = 38,845 - 20/-) = Rs.38,842/-**.

ii. Advocate Fee:

For the Compensation Amount of Rs.10,00,000/- and above the Advocate fee is Rs.29,500/- + 1% on the balance of above Rs.10,00,000/-. The award amount arrived is **Rs.39,47,200/- - 10,00,000 = Rs.29,47,200/-**. X 1 % = Rs.29,472/-. Hence Rs.29,500/- + Rs.29,472/- = **Rs.58,972/-** is the Advocate fee to be paid by the petitioners.

Point No.4 is answered accordingly.

In the result, this petition is allowed in part with cost.

1. The 2nd & 3rd respondents are directed to pay the compensation amount of **Rs.39,47,200/- (Rupees Thirty Nine Lakhs Forty Seven Thousand and Two Hundred Only)** with cost and interest @ 7.5% per annum from 22.12.2021, the date of this petition, **till the date of payment of compensation, subject to payment of additional court fee if any.** The petitioners are not entitled for interest for the default period and exempted period if any. (Refer : **National Insurance Co. Ltd. Vs. Mannat Johal 2019 (15) SCC 260**).
2. Out of the above award, the petitioners, being the husband is entitled to the award amount of **Rs.15,00,000/- (Rupees Fifteen Lakh Only)** and three daughters of the deceased are entitled for the equal share in the award amount i.e., **Rs.8,15,733/- (Rupees Eight Lakh Fifteen Thousand and Seven Hundred and Thirty Three Only)** each. Considering the age, fiscal background and state of society to which the petitioners belong and in the larger interest of the first petitioner, the award amount is ordered to be transferred to the first petitioner.
3. The above said award amount is directed to be deposited by the second respondent in the court **Bank Account No.42830499807, IFSC – SBIN0008688, at State Bank of India, Sathuvachari Branch in the name of MACT – Additional District Judge (FTC), Vellore** as held by the Hon'ble High Court, Madras in **2016 (1) TN MAC 433** and also shall give intimation to this Tribunal by way of sending pay advice slip and to the petitioners.

4. The petitioners have furnished the bank account details. On deposit of the award amount by the respondent, the petitioners are entitled for transfer of award amount into his bank account. The petitioners' Bank account details:-

Name of the Petitioners	Bank and Branch	A/c. No.	IFSC Code	Amount
V.Sivaji (1 st petitioner)	State Bank of India, Poigai Branch	31144608684	SBIN0007126	Rs.15,00,000/-
Santhiya (2 nd petitioner)	State Bank of India, P.K.Puram, Katpadi Branch	40462575442	SBIN0007011	Rs.8,15,733 /-
S.Sharmila (3 rd petitioner)	State Bank of India, P.K.Puram, Katpadi Branch	38569914563	SBIN0007011	Rs.8,15,733 /-
S.Sowmiya (4 th petitioner)	State Bank of India, P.K.Puram, Katpadi Branch	40459431674	SBIN0007011	Rs.8,15,733 /-

5. The petitioners have paid **Rs.20/-** as court fee at the time of filing the claim petition. Now, as per the compensation awarded the petitioners are liable to pay **additional court fee Rs.38,825/-**. The petitioners are directed to **pay the additional court fee within two months from the date of this order**.

6. If the petitioners fail to pay the additional court fee within the above stipulated time as per the decision of Hon'ble Madras High Court reported in **2022 (1) TNMAC 683** the petitioners will be entitled to the award amount less the additional court fee to be paid in the above proportion and **will not be entitled for any interest thereafter**.

7. The court fee component amount shall be first withdrawn by the Concerned Court Section from the deposit amount and put in a separate court (ledger) account and deposit the same into the Treasury.

8. Advocate fee is **Rs.58,972/-**.

9. As per the judgment of the Hon'ble High Court of Madras in M/s.Cholamandalam MS General Insurance co ltd., Vs. Ayyanar & Others reported in 2020(4) CTC 272, no decree is prepared.

10. The second respondent do pay to the petitioners a sum of Rs.97,827/- towards the cost of this petition.

11. Parties are entitled for free copy of award as per rule 20(6) of Tamil Nadu Motor Accident Claims Tribunal Rules.

Dictated to Steno-Typist, typed by her directly, corrected and pronounced by me in the open Court this the 28th day of July 2026.

**Motor Accident Claims Tribunal Judge/
Additional District Judge (FTC), Vellore.**

Petitioners' side Witnesses:-

PW1 – Tr.Sivaji

Petitioners' side Exhibits:-

Ex.P1	11.01.2021	Certified copy of the F.I.R.
Ex.P2	11.01.2021	Certified copy of postmortem certificate of deceased.
Ex.P3	11.01.2021	Original death certificate of deceased.
Ex.P4	18.02.2021	Original legal heir certificate of deceased.
Ex.P5	-	Xerox copy of MVI Report (Eicher Lorry - TN 30 BS 7867).
Ex.P6	-	Xerox copy of Aadhar card of deceased Mageswari.
Ex.P7	-	Original School Record Sheet of deceased.

- Ex.P8 - Xerox copies of Aadhar card of 1st petitioner.
- Ex.P9 - Xerox copy of 1st page bank passbook of 1st petitioner.
- Ex.P10 - Xerox copies of PAN card of 1st petitioner.
- Ex.P11 - Xerox copies of Aadhar card of 2nd petitioner.
- Ex.P12 - Xerox copy of 1st page bank passbook of 2nd petitioner.
- Ex.P13 - Xerox copies of PAN card of 2nd petitioner.
- Ex.P14 - Xerox copies of Aadhar card of 3rd petitioner.
- Ex.P15 - Xerox copy of 1st page bank passbook of 3rd petitioner.
- Ex.P16 - Xerox copies of PAN card of 3rd petitioner.
- Ex.P17 - Xerox copies of Aadhar card of 4th petitioner.
- Ex.P18 - Xerox copy of 1st page bank passbook of 4th petitioner.
- Ex.P19 - Xerox copies of PAN card of 4th petitioner.

Respondent's side Witsesse :-

RW1 – Tr.M.Baskar, Investigator, Third Respondent Company.

Respondent's side Witnesses and Exhibits :-

- Ex.R1 - Rough Sketch.
- Ex.R2 - Kandeneri Google Map.

**Motor Accident Claims Tribunal Judge/
Additional District Judge (FTC), Vellore.**

