

BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, RASIPURAM
(In the Court of the Subordinate Judge, Rasipuram)

Present: Thiru.J.K.DHILIP, B.A.,B.L.,
SUBORDINATE JUDGE, RASIPURAM

Friday the 31st day of July 2026

M.C.O.P No. 98 of 2019

(CNR.No.TNNM 09-000242-2019)

1.Jeyanthi (37),
W/o. Late. Vadivel

2. Minor. Dhatchana (11),
(Rep by next friend Ist Petitioner mother Jeyanthi)

1 & 2 Petitioners Address:

D.No.20, Krishnan Street,
Rasipuram TK,
Namakkal Dt.

.....Petitioners

/Vs/

1. The Correspondent,
Little Angels Higher Secondary School,
Aniyapuram,
Namakkal – 637 017.

2. The Manager,
Raheja QBE General Insurance Company Ltd,
Windsor House, 5th Floor, CST Road Kalina,
Santacruz (East),
Mumbai – 400 098.

3. Pavayee,
W/o. Raji,
D.No.5/78, Boyar Street,
Oruvandurpudur,
Oruvandur Post,
Mohanur TK,
Namakkal Dt

.....Respondents

This petition came up before this Tribunal for a final hearing on 28.07.2026 in the presence of Mr. K.Sakthivel, Counsel for the Petitioners and First and Third Respondents remained *exparte* and Mr.R.Dhanapal, Counsel for the Second Respondent and on hearing the arguments on the side of the Petitioner and Second Respondent upon perusal of the entire case records and this petition having stood over for consideration till this day, this Tribunal delivered the following:

ORDER

1. The petitioners have filed the claim under Section 166 of the Motor Vehicles Act, 1988 to claim compensation of Rs. 20,00,000/- for the fatal accident relating to the death of Mr. Vadivel, who was the husband of the 1st petitioner, father of the 2nd petitioner and son of the third respondent.

2. The averments in the Petition in brief are as follows:

2.1. On the night of January 18, 2019, around 7:00 PM, the deceased Vadivel was riding his Suzuki vehicle bearing registration number TN 28 C 4857 from west to east along the Mohanur-Kattuputhur road near Peiyeri. At that time, a school bus bearing registration number TN 28 AH 0579 approached from the opposite direction; its driver, operating the vehicle rashly and in a negligent and careless manner, collided with Vadivel's two-wheeler, causing an accident. Vadivel sustained severe injuries to his head and face in the collision; bystanders sent him to the Namakkal Government Hospital for treatment, but upon examination, doctors declared him dead. The accident was caused by the school bus driver's rash, negligent, and careless driving. A complaint regarding the accident was lodged at the Mohanur Police Station in Namakkal district, and a First Information Report (FIR) was registered under Crime No. 25/2019, invoking Sections 279 and 304-A of the Indian Penal Code. The first petitioner is the wife of the deceased, Vadivel; the second petitioner is his daughter; and the third petitioner is his mother.

2.2 The first Respondent is the owner of the school bus bearing registration number TN 28 AH 0579, involved in the accident, and it has been insured with the second Respondent vide the policy bearing No. RQBEMOT94702, with validity for the period from 31.05.2018 to 30.05.2019, which covered the date of the accident 18.01.2019. The first Respondent is the owner, and the second Respondent, the insurer of the offending vehicle, are vicariously and statutorily liable to pay the compensation of Rs. 20,00,000/-, which is arrived at by apportioning different amounts under various heads, to the petitioners. The petition is, therefore, filed.

3. The averments in the counter statement filed by the second Respondent in brief are as follows:

3.1. The petition is false, vexatious and unsustainable in law and on the facts. It is for the petitioners to prove the alleged accident, age, occupation, previous health condition, nature of injuries, period of treatment, monthly income of the deceased and medical bills, with acceptable documentary evidence.

3.2. The alleged accident did not occur as described in the petition. On January 18, 2019, at approximately 7:00 p.m., the deceased was riding a two-wheeler without a helmet. He suddenly attempted to cross the road without regard for oncoming traffic and fell against a bus, resulting in the accident. Consequently, the sole party at fault is the deceased. Therefore, this Respondent is not liable to pay any compensation to the Petitioners.

3.3. The deceased was riding a bike with registration number TN 28 C 4857, but he did not possess a valid license for that vehicle, nor was there any insurance coverage for the bike at the time of the accident. Additionally, he did not have the appropriate category of driving license required for that class of vehicle. The Vehicle Registration Certificate (RC) was also not produced. It is important to note that driving a vehicle without a valid license violates motor vehicle rules and the terms of the insurance policy. As such, this Respondent bears no responsibility to compensate

the Petitioners.

3.4. In this context, the Mohanur Police registered a First Information Report (FIR) and, after a thorough investigation, closed the case, stating it as a “MISTAKE OF FACT.” Therefore, there was no negligence on the part of the first respondent driver, and this Respondent is not liable for any compensation to the Petitioners. Furthermore, the Petitioners must prove that they are the legal heirs of the deceased and that they were dependent on him.

3.5. Finally, the quantum of compensation claimed under various heads, and interest contended in the petition are all denied as highly excessive and imaginary. Therefore, the petition is liable to be dismissed.

4. Points for Consideration:

1	Whether the accident was due to the rash and negligent driving of the bus bearing registration number TN 28 AH 0579, by its driver?
2	Whether the Petitioners and the 3 rd respondent are entitled to get any compensation?
3	Who is liable to pay compensation?
4.	What is the quantum of the compensation that the Petitioners are entitled to?

5. To prove the petitioners' case, the 1st petitioner examined herself as PW1, and exhibits Ex. P1 to P9 were marked through PW1. Mr. Loganathan, who claims to have witnessed the accident, has been examined as PW2; Exhibit P10 was marked through him. On behalf of the second respondent, Mr. P. Subramanian, a Sub-Inspector at the Mohanur Police Station in Namakkal District, was first examined as RW1, and Exhibits X1 and X2 were marked through him. Subsequently, Mr. Aswanth, an official at the Namakkal North RTO office, was examined as RW2, and Exhibit X3 was marked through him.

6. After the petition was taken on file, notices were issued to the respondents by this Tribunal. As the first respondent received the notice but failed to appear in the proceedings, an ex parte order was passed against him on April 15, 2019. Regarding the third respondent, although Advocate Mr. P. Balakrishnan entered an appearance, an ex parte order was passed against the third respondent on August 7, 2019, due to the failure to file a counter-statement. The oral and documentary evidence produced in the case was perused, and the arguments advanced on either side were heard.

7. Point No.1

(a). To establish the manner of the accident, PW.1 testified about the accident in line with the FIR. However, this Tribunal holds that PW1 is not an eyewitness to the accident but merely a witness who heard about it; she is a hearsay witness; therefore, her testimony regarding the manner in which the accident occurred is inadmissible.

(b). PW2, the claims to be an eyewitness to the accident, presented specific details outlined in the claim petition. In his testimony, PW2 stated that on January 18, 2019, around 7:00 PM, the deceased Vadivel was riding his Suzuki vehicle bearing registration number TN 28 C 4857 from west to east along the Mohanur-Kattuputhur road near Peiyeri. At that time, a school bus bearing registration number TN 28 AH 0579 approached from the opposite direction; its driver, operating the vehicle rashly and in a negligent and careless manner, collided with Vadivel's two-wheeler, causing an accident. Vadivel sustained severe injuries to his head and face in the collision. A copy of the FIR, has been marked as Ex.P1. PW2's testimony was consistent and there was nothing to discredit it. The final report filed in the criminal case has been marked as Ex. X2 through RW1, who was examined on behalf of the second respondent. That criminal report levels accusations against the bus driver. The second respondent did not provide any contrary evidence to rebut this claim. When

examining the documentary evidence, as presented in Ex. P-1 and Ex. X2, it becomes clear that the accident was caused by the rash and negligent driving of the first respondent's driver.

(c) In view of the discussion made above, this Tribunal holds that the motor accident in the case occurred on account of the driving of the bus bearing registration number TN 28 AH 0579, by its driver, in a rash and negligent manner. The point is answered in the affirmative.

8. Point No.2

Ex. P-1, a copy of the First Information Report, records that the accident occurred on 18.01.2019. Ex. P4, a copy of the post-mortem certificate, indicates that the deceased appears to have died due to multiple injuries. Ex. P5, a copy of the death certificate, records the deceased's date of death as 18.01.2019. Hence, the deceased, Mr Vadivel, died due to injuries sustained in the road traffic accident on 18.01.2019. Ex. P-6, the legal heir ship certificate, shows that the first petitioner is the wife; the second petitioner is the daughter; and the third respondent is the mother of the deceased. They are his legal heirs and dependents. Therefore, this Tribunal holds that the petitioners and the third respondent are entitled to compensation. The point is answered in favour of the petitioners and the third respondent.

9. Point No.3

In the petition, the particulars of the insurance policy for the Bus bearing registration number TN 28 AH 0579, are stated as policy number RQBEMOT94702, with validity for the period from 31.05.2018 to 30.05.2019, which covered the date of the accident 18.01.2019. This fact has not been denied by the 2nd respondent. Hence, this Tribunal has no hesitation in holding that the vehicle that caused the accident was insured with the 2nd respondent. During his examination-in-chief, RW2 produced and filed the Motor Vehicle Inspector's report regarding the bus. A review of the

document reveals that the vehicle belonging to the first respondent was registered on the date of the accident. Similarly, the driver operating the vehicle held a valid driving license, including the necessary endorsement to drive a transport vehicle. The vehicle also possessed a valid fitness certificate. There was no evidence to suggest any violation of the provisions of the Motor Vehicles Act or the terms of the insurance policy. As an insurer, the 2nd respondent has a statutory obligation to provide indemnification. As a result, it is determined that the 2nd respondent is responsible for paying the compensation amount to the petitioners, on behalf of the first respondent, for Vadivel's death in the road accident. This point is addressed accordingly.

10. Point No.4

(a) In a case of this nature where the person dies in a motor accident and his/her legal heirs claim compensation, guidelines have been framed by the Hon'ble Supreme Court in *Sarala Verma(Smt.) and Others vs. Delhi Transport Corporation and another* [(2009) 6 SCC 121] and *National Insurance Company Limited vs. Pranay Sethi and Others* (AIR 2017 SC 5157) for assessment of compensation. It was observed in *Sarala Verma (Smt.) and Others vs. Delhi Transport Corporation and another* that basically only three facts need to be established by the claimants for assessing compensation in the case of death and they are, (a) age of the deceased, (b) income of the deceased, and (c) number of dependants, and that the issues to be determined by the Tribunal to arrive at the loss dependency are, (i) additions/ deductions to be made for arriving at the income (ii) the deduction to be made towards the personal and living expenses of the deceased, and (iii) the multiplier to be applied with reference to the age of the deceased. Keeping these guidelines in mind, this Tribunal proceeds to assess the loss of dependency.

(i) Age of the Deceased

In the petition, the age of the deceased is found mentioned as 38 years. The petitioners have not filed birth certificate or any other document indicating the deceased's age. In the post-mortem report (document Ex. P4), the doctor has opined that the age of the deceased was 38 years. Therefore, based on document Ex.P4, this Tribunal determines that the deceased, Vadivel, was 38 years old.

(ii) Annual income of the Deceased

In the petition, the petitioner has stated that her husband, Vadivel, was a mason and that his monthly income was Rs. 20,000/-. No document was produced to show his income. In the absence of producing the document to prove the deceased's salary, this Tribunal fixes the notional income as Rs.10,000/-. So, the Annual Income of the deceased would come to Rs.1,20,000/-.

(iii) Personal and living Expenses

The Hon'ble Supreme Court has, in *Sarala Verma(Smt.) and Others vs. Delhi Transport Corporation and another*, cited supra, held that where the deceased was married and the number of dependent family members is three, the deduction towards personal and living expenses of the deceased should be one-third (1/3). The number of dependents is 3, and thus, **Rs. 80,000/-** (Rs.1,20,000/- minus 1/3 thereof) is determined to be the contribution of the deceased to the family for a year.

(iv) Future Prospects

The Hon'ble Supreme Court has in *National Insurance Company Limited vs. Pranay Sethi and Others*, case addresses the future prospects for individuals who have died in motor vehicle accidents. In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. Therefore, as the age of the

deceased was 38 years at the time of accident, 40% of actual salary has to be added to the monthly income of the deceased towards future prospects. Therefore, the annual income of the deceased would be **Rs. 1,12,000/- (Rs. 80,000/-+ 40% thereof).**

(v) Multiplier and Total loss of Dependency

For determining the multiplier, the guidelines of the Hon'ble Supreme Court in *Sarala Verma(Smt.) and Others vs. Delhi Transport Corporation and another*, cited supra, need be followed. In that case, the Hon'ble Supreme Court has held that if the age of the deceased is between 36-40 years, the multiplier to be used should be 15. As stated earlier, at the time of death, the age of the deceased was 38 years. Therefore, adopting the multiplier 15, the total loss of dependency will arrive at **Rs.16,80,000/- (Rs.1,12,000/- x 15).**

(vi) Loss of Consortium.

Considering the Judgment, **United India Insurance Co. Ltd. v. Satinder Kaur, (2021) 11 SCC 780: (2022) 1 SCC (Cri) 306, 30-06-2020** this Tribunal feels that a sum of Rs.44,000/- to each to petitioners, may be awarded towards **Consortium**, i.e **Rs.1,32,000/- (Rs.44,000×3)** and accordingly, the same is awarded.

(vii) Loss of Estate and Funeral Expenses

The Hon'ble Supreme Court has, in *National Insurance Company Limited vs. Pranay Sethi and Others*, cited supra, envisaged that under the conventional heads, namely **Loss of Estate, and Funeral Expenses**, a sum of **Rs.16,500/-** each may be awarded to the petitioner.

(viii) Transportation Expenses

It may be noted that the petitioners would have incurred expenses to take the deceased from the Hospital, to their house. Hence, a sum of **Rs.5,500/-** may be awarded towards **Transportation Expenses.**

(ix) In view of the discussion made above, the compensation under various heads is as follows:-

Head	Amount in Rs.
Loss of dependency	16,80,000/-
Loss of estate	16,500/-
Funeral expenses	16,500/-
Loss of Consortium	1,32,000/-
Transportation expenses	5,500/-
Total	18,50,500/-

(x) *In fine*, the petitioners, **Rs. 18,50,500/- (Rupees Eighteen Lakhs Fifty Thousand and Five Hundred only)** as just and fair compensation.

(xi). Considering that the first petitioner is the wife of the deceased, Vadivel, and is currently 37 years old, it is hereby ordered that she receive compensation of ₹10,00,000. Additionally, it is ordered that the second petitioner, who is the minor daughter of the deceased, be awarded ₹5,00,000. Lastly, the third respondent, who is the mother of the deceased, is to be awarded ₹2,50,500, taking her age into account.

11. Pursuant to the directions of the Hon'ble High Court of Madras in CMA No.428/16 dated 11.03.2016 reported in 2016(1) TNMAC 433(DB), the petitioner have produced a copy each of the first page of their bank pass books and Aadhar cards, before this Tribunal.

12. In the result,

(1) That the petition is partly allowed with proportionate costs against respondents 1 and 2, being jointly and severally liable, awarding the compensation of **Rs. 18,50,500/- (Rupees Eighteen Lakhs Fifty Thousand and Five Hundred only)** including interim award passed if any, payable with interest at 7.5% per annum, from the date of numbering of the petition, i.e.15.03.2019, till the date of realization. Whereas, if the petition is dismissed for default, the petitioners are not entitled to any interest for that period of default.

(2) As an insurer of the 1st respondent the 2nd respondent is directed to satisfy the award amount. Suppose the 2nd respondent aggrieves with the award and intends to prefer an appeal against it. In that case, they must deposit the appeal amount into the credit of this Tribunal's bank account, specifically the State Bank of India, Rasipuram Branch, A/c No. 42868975842, IFSC code No. SBIN0001310, MICR No. 636002017, directly via NEFT or RTGS, and inform the petitioner(s) and the Tribunal of the deposit details along with a copy of the bank advice.

(3) Concerning the allocation of the **Rs. 18,50,500/- (Rupees Eighteen Lakhs Fifty Thousand and Five Hundred only)**, compensation, the first petitioner, wife of the late Vadivel, is to receive Rs.10,00,000/-. The second petitioner, the minor daughter of the deceased, will be awarded Rs. 5,00,000/-. The third respondent, the mother of the deceased, is to receive Rs. 3,50,500/-.

(4). It is ordered that the award amount of the minor second petitioner be deposited in a nationalised bank in his/her name until he/she attains the age of 18, and that upon attaining the age of 18, the award amount along with the accrued interest be credited to his/her bank account.

(5). According to the judgment of the **Hon'ble Supreme Court in the case of Parminder Singh vs. Honey Goyal and Others (S.L.P No. (C) No. 4484 of 2020), dated March 18, 2025**, tribunals are instructed to issue an award directing the respondent to transfer the awarded amount into the claimants' bank account, with proper notification provided to the tribunals. **As per this directive, the second respondent (the insurance company) is required to transfer the awarded amount to the claimant(s)'s bank account. This should be done after the claimant(s) presents the remittance slip for the remaining court fees to the counsel of Insurance Company, along with the necessary verification endorsement from the Sheristadar of this Court. Otherwise, the Insurance Company is instructed not to effect the transfer of the award.**

(6). The petitioners are further directed to deposit the balance court fee in respect of their share within 15 days. If they fail to do so, they will not be entitled to interest on the awarded amount.

(7). The counsel for the 2nd respondent (insurance company) is directed to submit the calculation memo and the payment of the award, along with proof of remittance of the balance court fees by the petitioner, to this Court immediately after the deposit is made.

(8) That in view of the directions issued by the Hon'ble Division Bench of the Madras High Court in C.M.A.No.428 of 2016 dated 11.03.2016, the petitioner is hereby directed to furnish a self-attested copy of the PAN card to this Tribunal, within a period of one month from today.

(9) That the Court fee paid along with the petition is Rs.20.00/-

(10) That the Court fee for the award amount is **Rs.17,877/-**

(11) Advocate fee is Rs.25,505/-. The deficit court fee of Rs. 17857/- shall be paid by the Petitioner within two weeks from the date of order.

(12) That the respondents do pay to the petitioner a sum of Rs. 43,437/- towards the costs of this petition.

Bank Particulars:

Petitioner Name : .Jeyanthi

Aadhar No: 5851 7541 1733

Bank Name and Branch : Bank of Baroda, Rasipuram

Account No. 46290100010658

IFSC Code: BARBORASIPU

MICR Code: 636012006

2. Minor. Dhachana,

Aadhar No.: 9522 8292 9723

Other necessary particulars:

Date of Presentation of petition	-	05.03.2019
Date of taken up on file	-	15.03.2019
Compensation claimed in the M.C.O.P.	-	Rs.20,00,000/-
Compensation awarded in this petition	-	Rs.18,50,500/-
Court fee paid along with the petition	-	Rs.20.00
Court fee payable on the award amount	-	Rs.17,877/-
Additional court fee shall be paid	-	Rs.17857/-
Additional court fee paid, MPSR.No.....; dated		

Cost List for the petitioner

STATEMENT OF COSTS

For the petitioners

For the Respondents

	<u>Rs.</u>	<u>P.</u>		<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	17877	.	00	
Stamp on Vakalat	-	5	.	00	
Stamp for process	-	50	.	00	-- not filed --
Advocate fees		25505	.	00	
Costs allowed	-	43437	.	00	

The direction regarding copy of the Judgment and decretal 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.

Dictated to the Steno-typist, directly typed by her in the computer, corrected and pronounced by me in the open court on this the 31st day of July 2026.

Subordinate Judge,
Rasipuram

Petitioner side Witnesses:

PW.1 Tmt. Jeyanthi
PW.2 Thiru. Loganathan

Petitioner side Exhibits:

Ex.P1 Copy of First Information Report
Ex.P2 Copy of Ist Respondent Vehicle No. TN 28 AH 0579 Eicher Insurance Policy
Ex.P3 Copy of Ist Respondent Vehicle No. TN 28 AH 0579 Eicher Registration Certificate
Ex.P4 Copy of Vadivel Postmortem Report
Ex.P5 Copy of Vadivel Death Certificate
Ex.P6 Copy of Vadivel Legal Heirship Certificate
Ex.P 7 Copy of First Petitioner's Aadhar card
Ex.P 8 Copy of Second Minor Petitioner's Aadhar card
Ex.P 9 Copy of First Petitioner's Bank Pass Book

Ex.P10 Copy of Loganathan Aadhar card

Respondents side Witnesses :

R.W1. Thiru. P.Subramani, Sub Inspector, Police Station, Mohanur.

R.W.2 Thiru. N.S.Aswanth, Junior Assistant, North Regional Transport Office,
Namakkal.

Respondents side Exhibits: Nil

Witnesses Documents:

- X1. Copy of Vehicle No. TN 28 C 4857 TVS Suzuki Motor Vehicle Inspection Report
- X2. Copy of Final Report
- X3 Authorization Letter (Original)
- X4 Copy of Vehicle No. TN 28 AH 0579 Eicher Motor Vehicle Inspection Report

Subordinate Judge,
Rasipuram

