THE MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUNELVELI
(1st ADDITIONAL DISTRICT TRIBUNAL, TIRUNELVELI)

PRESENT:- Thiru. D. Selvam, M.L.,
Motor Accident Claims Tribunal Judge/
1st Additional District Judge,
Tirunelveli.

Monday, the 10th day of August 2026

Motor Accident Claims Original Petition No. 1865/2022
(CNR No: TNTL010189032022)
And
Motor Accident Claims Original Petition No. 1866/2022
(CNR No: TNTL010189062022)
And
Motor Accident Claims Original Petition No. 1867/2022
(CNR No: TNTL010189082022)

(a) Name and Address of the Claimant/Petitioner(s)	**MCOP No. 1865/2022:-** 1. Malathi, W/o. Babu Kishore, aged 49 years, residing at Door No.2F/31, Rajendra Nagar 4th Street, Palayamkottai 627 002 2. Guru Varshini, S/o. Babu Kishore, aged 21 years, residing at Door No.2F/31, Rajendra Nagar 4th Street, Palayamkottai 627 002 3. Minor Guru Vishahan, S/o. Babu Kishore, aged 12 years, residing at Door No.2F/31, Rajendra Nagar 4th Street, Palayamkottai 627 002. (Minor 3rd petitioner represented through his mother and next friend 1st petitioner Malathi)

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:40:38 +0530

	4. Paulpandian, S/o. Thangaiah, aged 81 years, residing at Door No.2F/31, Rajendra Nagar 4th Street, Palayamkottai 627 002 **(died)**
(b) Name and Address of the Respondents	1. Lakshmi Devi, D/o. Ramakrishnan, aged 55 years, residing at Door No. B2, Asir Arc Apartments, 60 Feet Road, Rahmath Nagar, Maharaja Nagar post, Tirunelveli 627 011. 2. M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager, having its Divisional office at 3rd Floor, Tripura Arcade, Door No.1 – post office road, palayamkottai, Tirunelveli 627 002.
(c) Name and Address of the Insurance Company.	M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager, having its Divisional office at 3rd Floor, Tripura Arcade, Door No.1 – post office road, palayamkottai, Tirunelveli 627 002.
Date of filing of the claim petition	19.12.2022, 22.12.2022
Date of Award	10.08.2026
Amount of Award	**Rs. 46,40,509/-**
Interest rate applicable	7.5%
Date(s) from which interest is payable	From the date of presentation of this petition till realization.
Costs, if any	Stamp on vakalath – Rs. 10.00 Balance Tribunal fee – Rs. 45,405.00 Advocate fee - Rs. 54,905.00 ------------------

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:40:43 +0530

	Rs. 1,00,320/- ------------------
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 the award, interests, and costs.	The petitioners are entitled to get an award of Rs. 46,40,509/- in total, and the award amount shall be payable by the respondents along with the interest at the rate of 7.5 % from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).
In Cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The 1st petitioner is entitled to Rs. 16,40,509/- with proportionate interest and costs. The 2nd petitioner is entitled to Rs. 15,00,000/- with proportionate interest and costs. The Minor 3rd petitioner is entitled to a sum of Rs. 15,00,000/- with proportionate interest and costs. On the pending of the case the 4th petitioner was died. The Minor 3rd petitioner award amount shall be deposited in any nationalized bank in their name till attaining majority.
The mode and manner of deposit of compensation And The mode and manner of disbursement	As per the Judgment of the **Hon'ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025,** the tribunals are directed to pass an award by ordering the insurance company to transfer the 1st and 2nd claimants award amount into their Bank account and to transfer the 3rd minor claimant award amount into the court account, after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the

	respondents are directed to transfer the award amount to the Claimant (s) Bank Account.
The period of default to which the petitioners are not entitled for interest, if any	-Nil-
Balance of Court Fee	Rs. 45,405/-

(a) Name and Address of the Claimant/Petitioner(s)	**<u>MCOP No. 1866/2022</u>:-** Minor Guru Vishahan, S/o. Babu Kishore, aged 12 years, residing at Door No.2F/31, Rajendra Nagar 4th Street, Palayamkottai 627 002. (Minor 3rd petitioner represented through his mother and next friend 1st petitioner Malathi)
(b) Name and Address of the Respondents	1. Lakshmi Devi, D/o. Ramakrishnan, aged 55 years, residing at Door No. B2, Asir Arc Apartments, 60 Feet Road, Rahmath Nagar, Maharaja Nagar post, Tirunelveli 627 011. 2. M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager, having its Divisional office at 3rd Floor, Tripura Arcade, Door No.1 – post office road, Palayamkottai, Tirunelveli 627 002.
(c) Name and Address of the Insurance Company.	M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager, having its Divisional office at 3rd Floor, Tripura Arcade, Door No.1 – post office road, palayamkottai, Tirunelveli 627 002.

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:40:56 +0530

Date of filing of the claim petition	19.12.2022, 22.12.2022
Date of Award	10.08.2026
Amount of Award	**Rs. 16,85,480/-**
Interest rate applicable	7.5%
Date(s) from which interest is payable	From the date of presentation of this petition till realization.
Costs, if any	Stamp on vakalath – Rs. 10.00 Balance Tribunal fee – Rs. 15,855.00 Advocate fee - Rs. 25,355.00 ------------------ Rs. 41,220.00 -----------------
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 the award, interests, and costs.	The petitioner is entitled to get an award of Rs. 16,85,480/- in total, and the award amount shall be payable by the respondents jointly and severally along with the interest at the rate of 7.5 % from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).
In Cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The minor petitioner is entitled to Rs. 16,85,480/- with proportionate interest and costs. The Minor petitioner award amount shall be deposited in any nationalized bank in their name till attaining majority.
The mode and manner of deposit of compensation And The mode and manner of disbursement	As per the Judgment of the **Hon'ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025,** the tribunals are directed to pass an award by ordering the insurance company to transfer the minor claimant award amount

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:41:02 +0530

	into the court account, after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the respondents are directed to transfer the award amount to the Claimant (s) Bank Account.
The period of default to which the petitioners are not entitled for interest, if any	-Nil-
Balance of Court Fee	Rs. 15,855/-

(a) Name and Address of the Claimant/Petitioner(s)	**<u>MCOP No. 1867/2022</u>:-** Malathi, W/o. Babu Kishore, aged 49 years, residing at Door No.2F/31, Rajendra Nagar 4th Street, Palayamkottai 627 002
(b) Name and Address of the Respondents	1. Lakshmi Devi, D/o. Ramakrishnan, aged 55 years, residing at Door No. B2, Asir Arc Apartments, 60 Feet Road, Rahmath Nagar, Maharaja Nagar post, Tirunelveli 627 011. 2. M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager, having its Divisional office at 3rd Floor, Tripura Arcade, Door No.1 – post office road, palayamkottai, Tirunelveli 627 002.
(c) Name and Address of the Insurance Company.	M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager, having its Divisional office at 3rd Floor, Tripura Arcade, Door No.1 – post office road, palayamkottai, Tirunelveli 627 002.

Date of filing of the claim petition	19.12.2022, 22.12.2022
Date of Award	10.08.2026
Amount of Award	**Rs. 47,52,926/-**
Interest rate applicable	7.5%
Date(s) from which interest is payable	From the date of presentation of this petition till realization.
Costs, if any	Stamp on vakalath – Rs. 10.00 Balance Tribunal fee – Rs. 46,529.00 Advocate fee - Rs. 56,029.00 ------------------ Rs. 1,02,568.00 ------------------
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 the award, interests, and costs.	The petitioner is entitled to get an award of Rs. 47,52,926/- in total, and the award amount shall be payable by the respondents jointly and severally along with the interest at the rate of 7.5 % from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).
In Cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The petitioner is entitled to Rs. 47,52,926/- with proportionate interest and costs.
The mode and manner of deposit of compensation And The mode and manner of disbursement	As per the Judgment of the **Hon'ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025,** the tribunals are directed to pass an award by ordering the insurance company to transfer the minor claimant award amount into the court account, after ascertaining the

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:41:12 +0530

	payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the respondents are directed to transfer the award amount to the Claimant (s) Bank Account.
The period of default to which the petitioners are not entitled for interest, if any	-Nil-
Balance of Court Fee	Rs. 46,529/-

Award passed in the format as directed by the Honourable High Tribunal in M/s Cholamandalam MS/General Insurance Co., Ltd., Vs. Ayyanar and others Tr.CMP.Nos.264 of 2020 dated 11.05.2020.

In the above Judgment at Paragraph No.28(a)(b) it read as:-

(a) The process of drafting decrees for awards passed in motor vehicles, cases, both at the level for the claims Tribunal throughout the State of Tamil Nadu and at the appellate level, shall cease forthwith.

(b) The claims Tribunal shall arrange to deliver free copies of the award to the parties concerned within 15 days from the date of the award as contemplated by Section 168(2) of the Act and 20(6) of the Rule.

In view of the above judgment, there is no need to prepare or draft the decree for this award and further all the parties are entitled to get free copies of the award as per the section 168(2) of the Act and 20(6) of the Rule.

MCOP No. 1865/2022:

1. Malathi
2. Guru Varshini

3. Minor Guru Vishahan
4. Paulpandian (died) ... Petitioner

(Minor 3rd petitioner represented through his mother and next friend the 1st petitioner Malathi)

//versus//

1. Lakshmi Devi
2. M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager ... Respondents

MCOP No. 1866/2022:

Minor Guru Vishahan ... Petitioner

(Minor 3rd petitioner represented through his mother and next friend the 1st petitioner Malathi)

//versus//

1. Lakshmi Devi
2. M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager ... Respondents

MCOP No. 1867/2022:

Malathi ... Petitioner

//versus//

1. Lakshmi Devi
2. M/s. HDFC ERGO General Insurance Company Limited, represented by its Divisional Manager ... Respondents

These petitions came up on 24.07.2026 for a final hearing before me in the presence of Thiru. S. Skandaraja, Advocate for the Petitioners in all petitions and Thiru. M. Amalan, Advocate for the 1st Respondent, and Thiru. S. Sekar, Advocate

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:41:23 +0530

for the 2nd Respondent in all petitions and upon hearing the arguments of both sides and on perusing the records and having stood over till this date for consideration, this Tribunal delivered the following …

COMMON AWARD

1. Prayer:

1.1. M.C.O.P. No. 1865/2022:-

This Petition has been filed by the Petitioners under section 166 & 140 of the Motor Vehicles Act, claiming compensation of Rs. 1,00,00,000/- and 9% p.a. interest with cost to the petitioner from the date of accident till realization, for the deceased Babu Kishore and such other reliefs.

1.2. M.C.O.P No. 1866/2022:-

This Petition has been filed by the Petitioner under section 140 & 166 of the Motor Vehicles Act, claiming compensation of Rs. 50,00,000/- and 9% p.a. interest with cost to the petitioner who was sustained injury in the accident from the date of accident till realization, and such other reliefs.

1.3. M.C.O.P No. 1867/2022:-

This Petition has been filed by the Petitioner under section 140 & 166 of the Motor Vehicles Act, claiming compensation of Rs. 50,00,000/- and 9% p.a. interest

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:41:31 +0530

with cost to the petitioner who was sustained injury in the accident from the date of accident till realization, and such other reliefs.

2. <u>The brief averments of all the petitions in MCOP No. 1865/2022, MCOP No. 1866/2022 and 1867/2022 are as follows</u>: -

2.1. The 1st petitioner Malathi is the wife, the 2nd and 3rd petitioners are the children, the 4th petitioner is the father of the deceased Babu Kishore. On 10.04.2021, the deceased was riding his Scooty Pep Scooter bearing registration no. TN 58 T 4347 along with his wife and son as pillion rider from the service road on the extreme north of the four way Quadrilateral High Way from Tirunelveli to Tuticorin opposite to the TNSTC Depot near KTC Nagar and while crossing and attempted to ‘U’ turn from the Quadrilateral National Four way lane on the northern side into the lane on the southern side to reach his house at Viswakantha Nagar, a car bearing registration no. TN-18-AK-1919 belonging to the 1st respondent and insured with the 2nd respondent, which was driven by the 1st respondent’s son, namely Kaushik, in a rash and negligent manner and hit the scooty. As a result, the 1st petitioner, 3rd petitioner and the deceased were thrown away, and they sustained severe grievous injuries, and they were taken to the TVMCH hospital. The deceased succumbed to the injuries on the way to the hospital and was declared dead.

2.2. The petitioner in MCOP No. 1866/2022 minor Guru Vishahan was taken for first aid treatment in the TVMCH hospital and shifted to the Rhock hospital and admitted as an inpatient, and surgery was conducted on his leg and right wrist and discharged from the hospital on 30.04.2021. Then, on 17.12.2021, he was admitted to the hospital for surgery for fixing a steel plate and discharged on 18.12.2021. The said steel plate was also to be removed.

2.3. The petitioner in MCOP No. 1867/2022 Mrs. Malathi was taken for first aid treatment in the TVMCH hospital and shifted to the Rhock hospital and admitted as an inpatient, and surgery was conducted in her left knee, and her left knee was shortened and discharged from the hospital on 30.04.2021. Then, on 22.05.2021, she was admitted to the hospital for surgery, and after split skin grafting treatment, she was discharged on 26.05.2021.

2.4. The Traffic Investigation Wing, Tirunelveli City Police have registered a criminal case under Section 279, 338, 304A of the IPC in Cr. No. 120/2021, and the case is pending before the Judicial Magistrate Court No. I, Tirunelveli.

2.5. The deceased was 52 years old, and he was M.Com., graduate and working as Branch Manager in M/s. Peerless Financial Products Distribution, Trichy branch till 31.07.2015 and Branch Manager in Chennai Branch till September 2015 and earned Rs. 43,796/-. In the month of October 2015, he worked as Sales Manager in ICICI Prudential Life Insurance Company Ltd., Ramanathapuram Branch and earned Rs. 50,000/-. The deceased was conducting a Departmental store under the name and style of M/s. Guru Super Store from February 2019 and he was an Insurance agent for ICICI Prudential Life Insurance Company Ltd., and he earned more than Rs. 70,000/- from business and agency.

2.6. The minor petitioner Guru Vishahan was 12 years old, and he was studying in VI standard at the time of the accident.

2.7. The petitioner Malathi was 48 years old, and she is a housewife. She had completed the MCA and M.Phil.

2.8. The 1st respondent is the owner of the car bearing registration number TN-18-AK-1919, insured with the 2nd respondent's insurance company. The driver of the vehicle is the son of the 1st respondent. Hence, the respondents are liable to pay the compensation amount as claimed by the petitioners.

2.9. In MCOP No. 1865/2022, the petitioners estimate the compensation in several heads and their loss and expenses on account of the accident and death of the deceased Babu Kishor at Rs. 2,39,86,000/-. But, the petitioners restricted their claim to a sum of Rs. 1,00,00,000/-.

2.10. In MCOP No. 1866/2022, the petitioner Guru Vishahan estimates the compensation in several heads and their loss and expenses on account of the accident and the injury sustained by him is Rs. 56,36,000/-. But, the petitioner restricted his claim to a sum of Rs. 50,00,000/-.

2.11. In MCOP No. 1867/2022, the petitioner Malathi estimates the compensation in several heads and their loss and expenses on account of the accident and the injury sustained by his is Rs. 1,02,36,000/-. But, the petitioner restricted her claim to a sum of Rs. 50,00,000/-. Hence, the respondents are responsible for paying compensation to the petitioners.

3. <u>The brief averments of the counter filed by the 1st respondent in three petitions is as follows</u>:-

The claim petition is not maintainable either in law or on the facts. The respondent denied the averments contained in the affidavit, except for the admitted facts. The 1st respondent's driver drove the car slowly, and at that time the deceased was riding his two-wheeler along with two pillion riders in a rash and negligent manner and dashed against the car, and the accident happened. The accident occurred only due to the rashness and negligence of the deceased. The 1st respondent's vehicle is insured with the 2nd respondent insurance company. The claim amount is excessive. Hence, the petition is not maintainable, and it may be dismissed with costs.

4. The brief averments of the counter filed by the 2nd respondent in three petitions is as follows:-

4.1. The claim petition is not maintainable either in law or on the facts. The respondent denied the averments contained in the affidavit, except for the admitted facts.

4.2. The deceased has not seen the oncoming vehicle on the road and suddenly crossed the NH and hit the car. The accident occurred solely due to the rashness and negligence of the deceased/rider of the motorcycle. The deceased was riding his motor cycle without wearing a helmet and triples at the time of the accident. The respondent is not liable to pay the compensation to the petitioners, since the deceased was the tortfeasor. The claim amount is excessive. Hence, the petition is not maintainable, and it may be dismissed with costs.

5. The points for consideration in the case are:-

(1) Whether the accident had taken place due to the rash and negligent driving of the driver of the 1st respondent?

(2) Whether the respondents liable to pay the compensation as claimed by the petitioners?

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:41:56 +0530

(3) If so, what is the amount of compensation the petitioners in M.C.O.P No. 1865/2022 are entitled to?

(4) If so, what is the amount of compensation the petitioners in M.C.O.P No. 1866/2022 are entitled to?

(5) If so, what is the amount of compensation the petitioners in M.C.O.P No. 1867/2022 are entitled to?

6. The claims in three petitions emerged from the same accident; a joint memo was filed, and the same, the evidence is recorded in M.C.O.P No. 1865/2022.

7. During the enquiry, the 1st petitioner, Mrs. Malathi, was examined herself as PW-1 and Ex. P-1 to Ex. P-31 and Ex. C-1 and Ex. C-2 were marked. On the side of the respondents, no oral and documentary evidence was adduced.

8. <u>Points No. 1 and 2</u> :-

8.1. Heard both sides. This Tribunal carefully perused the petition, counter, oral, and documentary evidence.

8.2. As per the evidence of the PW-1, the petitioners are the legal heirs of the deceased Babu Kishore. So, the relationship is not disputed by the respondents.

<u>8.3. Manner of Accident:</u>

(i) As per the evidence of the PW-1 and Ex. P-1 FIR, the accident happened on 10.04.2021; the deceased was riding his Scooty Pep Scooter bearing registration no. TN 58 T 4347 along with his wife and son as pillion rider from the service road on the extreme north of the four way Quadrilateral High Way from Tirunelveli to Tuticorin opposite to the TNSTC Depot near KTC Nagar and while crossing and attempted to 'U' turn from the Quadrilateral National Four way lane on the northern side into the lane on the southern side to reach his house at Viswakantha Nagar, a car bearing registration no. TN-18-AK-1919 belonging to the 1st respondent and insured with the 2nd respondent, which was driven by the 1st respondent's son, namely Kaushik, in a rash and negligent manner and hit the scooty. As a result, the 1st petitioner, 3rd petitioner and the deceased were thrown away, and they sustained severe grievous injuries, and they were taken to the TVMCH hospital. The deceased succumbed to the injuries on the way to the hospital and was declared dead. The death of Babu Kishore was confirmed through the Ex. P-3 Postmortem certificate.

(ii) According to the MCOP No. 1866/2022, the petitioner Guru Vishahan and MCOP No. 1867/2022, the petitioner Malathi were taken to TVMCH, and then they were shifted to Rhock Hospital and admitted as inpatients, and they underwent surgery. It was confirmed through the Ex. P-6, Ex. P-25 to Ex. P-27, Ex.

C-1, Ex. C-2.

(iii) As per the Ex. P-1 FIR, the 1st respondent came from east to west in the southern side of four-way NH. The deceased came on a two-wheeler with his wife and son and took a "U" turn as the traffic permitted place. At the time, the 1st respondent's driver hid the two-wheeler, and the accident happened.

8.4. Contributory Negligence:

(i) The learned counsel for the respondent took the plea of contributory negligence by the reason of the deceased was riding the two-wheeler on triples without a helmet and valid driving licence. This court considers the case records and found that even though, the deceased was riding the two-wheeler on triples without a helmet, the accident was not occurred on the carelessness of the deceased. Because the 1st respondent's driver must see the traffic and permitted lane for crossing the two-wheeler and four-wheelers in the NH.

(ii) In this regard, this tribunal considers the Ex. P-5 and found that the deceased had a valid driving licence on the date of the accident. Further, this tribunal considers the citations about the non-waring helmet, and triples as

"Vimla Devi & Anr. (Vs.) Royal Sundaram All Ins. Co. Ltd. & Anr., Neutral Citation No.2019:DHC:6698,"

"4. The learned counsel for the respondents submits that the deceased fully knew that the mounting of three persons on a moving scooty was impermissible under

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:42:20 +0530

> *motor traffic rules. The accident occurred in the middle of the road. The pillion riders were not wearing helmets, therefore, there appears to be contributory negligence. The Court is of the view that the aforesaid argument is untenable because not wearing a helmet could at best be a traffic offence and not necessarily be regarded as contributing to the motor accident itself. After an accident occurs, its consequence depends upon the impact. ....”*
>
> ***“M/S. National Insurance Company (Vs.) Smt. Venkatalakshmi And 3 Others on 13 July, 2022,”***
>
> *12. In view of the judgment rendered by the learned counsel for the claimants in Kattabomman Transport Corporation Limited case (referred supra), this Court is of the considered view that mere violation of the provisions of the Motor Vehicles Act, cannot be held to be contributory negligence, unless there is evidence to prove that the accident occurred due to triple riding. Hence, the contention raised by the learned counsel for the Insurance Company, cannot be sustained. Therefore, this Court is not inclined to interfere into the award passed by the Tribunal and the award passed by the Tribunal is confirmed dismissing the instant appeal.*

As per the above-relied citations and the case at hand, the accident did not happen due to the negligence of the deceased as he was not wearing a helmet. Further, the deceased was riding a two-wheeler with his wife and son as pillion riders, which is not the reason for the accident. So, the defence of contributory negligence is rejected. So, the respondents’ objections are rejected. As mentioned above, the plea of contributory negligence is rejected.

8.5. Policy:

(i) As per the evidence of PW-1, the 1st respondent was insured for her vehicle bearing registration number TN-18-AK-1919 with the 2nd respondent. The 2nd respondent has not objected to the insurance, and it is valid and in force on the

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:42:25 +0530

date of the accident. In respect of the insurance details is mentioned in the Ex. P-5 MV Report. As per the admitted facts of the insurance company, the 1st respondent has not violated the policy condition. So, this Tribunal holds that the respondents are liable to pay the compensation to the petitioners. Accordingly, points no. 1 and 2 are answered.

9. Answer to the Point No.3: - (MCOP No.1865/2022)

9.1. Dependents of the deceased Babu Kishore:

The petitioners are the wife, children and father of the deceased. During pendency of the petition, the father of the deceased, the 4th petitioner, also died. In this regard, the Ex. P-9 Legal heirship certificate is marked. There is no dispute that the petitioners are the legal heirs of the deceased Babu Kishore, and the respondents are also not opposed to the relationship between the deceased and the petitioners.

9.2. Age of the deceased/Babu Kishore and Multiplier:

The 1st petitioner specifically stated that at the time of the accident, the deceased was 52 years old. This Tribunal holds that the age of the deceased is 52 years on the date of death through the Ex. P-3 death certificate. So, this Tribunal considered the judgment of the Hon'ble Supreme Court held in "***Sarla Verma &***

SELVAM D Digitally signed by SELVAM D
Date: 2026.08.10 18:42:31 +0530

Ors. (Vs.) Delhi Transport Corporation & Another, Civil Appeal No.3483 of 2008 dated:15.04.2009". As per the above judgment and guidelines, the multiplier of 11 applied in this case.

9.3. Income of the deceased/Babu Kishore:

(a) As per the PW-1 evidence, the deceased was doing business and earned Rs. 65,000/- p.m. Income tax return of the deceased was filed as Ex. P-11 to Ex. P-14. The deceased is an Income Tax Assessee. In this regard, the learned counsel for the petitioners relied on the citation for considering the IT returns as

> ***"Malarvizhi and others (Vs.) United India Insurance Co. Ltd. and another, 2020 (1) TNMAC 216 (SC)"***
> *Income – Loss of Income – Assessment – Income-tax Returns – If, take precedence over other documents for determination of Annual Income – deceased, aged 49 yrs., a businessman who derived income from many sources including business and agriculture – Tribunal, assessing agricultural income at Rs.3,40,708 p.a. Business Income at Rs.89,590 p.a. and rent estate/contract business income at Rs.30,000 p.a. fixed Annual Income at Rs.4,60,298 + 30% towards Future prospects totaling to Rs.5,98,387.40 – High court in appeal, considering IT Returns for financial years 1995-1996 to 2000-2001, taken highest Income shown in Financial year 1997-1998 i.e. Rs.2,09,211 as Annual Income – Additing Rs.40,000 towards future prospects, High court fixed total Annual Income at Rs.2,50,000 – Applying multiplier of 13, High court awarded loss of income at Rs.32,50,000 as against Rs.58,34,277 awarded by Tribunal – If, proper – Tribunal superimposed possible income from agriculture, despite agricultural income shown in IT Returns – High court rightly proceeded on basis of IT Returns for financial year 1997-1998 taking view that determination of income must proceed on basis of IT returns – IT returns, being statutory documents, can be relied upon to determine annual income However, Rs.1,04,987 paid upfront as Licence-fee to State Government for Wine business to be added to Annual Income – Net Annual Income accordingly fixed at Rs.3,16,118 (2,11,131 + 1,04,987) – Following dictum in Pranay sethi 25% added towards future prospects and arrived at Rs.3,95,147.50 p.a. - considering number of dependents and ratio in Sarla Verma, 20% deducted towards personal expenses – applying multiplier of 13, loss of income*

assessed at Rs.41,09,534 (3,95,147.50 – 20% = Rs.3,16,118 x 13).

"Malarvizhi and others (Vs.) United India Insurance Co. Ltd. and another, 2020 ACJ 526 (SC)"
Quantum – Fatal accident – Deceased aged 49, involved in wholesale cement, real estate and contract business and also owning wine shops and agricultural land – Claimants: widow and four daughters – Tribunal awarded Rs.59,04,000 – High Court relying on income tax returns took income at Rs.2,09,211 p.a. added Rs.40,000 p.a. towards future prospects, adopted multiplier of 13 and reduced the award to Rs.33,55,000 – Apex court relying on income tax returns took income at Rs.2,11,131 p.a. considering prepaid licence fee paid by deceased to the government added Rs.1,04,987 to the assessed income and fixed net income at Rs.3,16,118 p.a., added 25 percent towards future prospects, deducted 1/5th for personal expenses, adopted multiplier of 13 and allowed Rs,41,09,534 plus Rs.15,000 for loss to estate, Rs.40,000 for loss of consortium, Rs.50,000 for loss of love and affection and Rs.15,000 for funeral expenses – Award of Rs.33,55,000 enhanced to Rs.42,29,534.

"Anjali and others (Vs.) Lokendra Rathod and others, 2023 ACJ 637"
Quantum – Fatal accident – Deceased aged 28, doing scrap business, earning Rs.9855 p.m. as per income tax return – Claimants: two wives, three children and parents – Tribunal discarded ITR on the ground that no ITR prior to 2009-10 was filed, took income at Rs.4,000 p.m. and awarded Rs.6,24,000 – High Court took income at Rs.5000 p.m. and enhanced the award to Rs.11,41,000 – Apex court holding that ITR is a statutory document and has to be relied on to assess income fixed income at Rs.9855 p.m. added 40 percent of income towards future prospects, deducted 1/6th for personal expenses, adopted multiplier of 17 and allowed Rs.23,45,388 plus Rs.44,000 for loss of spousal consortium, Rs.44,000 to each child for loss of parental consortium, Rs.20,000 for loss of estate and Rs.50,000 – for funeral expenses – Award of Rs.11,41,000 enhanced to Rs.25,91,388.

"Nidhi Bhargava and others (Vs.) National Insurance Co. Ltd., through its Regional Manager and others, 2025 (1) TN MAC 570 (SC)"
Income – Loss of Income – Assessment – IT Returns filed post date of accident i.e. 12.8.2008 – Relevancy of – Deceased, aged 43 years, a Businessman – Claimants produced IT Returns for assessment years 2007-2008 and 2008-2009 to substantiate claim of Income – Tribunal, considering IT returns for Assessment year 2008-2009, assessed Loss of Income at Rs.30,70,690 – High Court in Appeal, holding that IT Returns for assessment year 2008-2009 filed after date of accident, assessed Income on basis of IT Returns for Assessment year 2007-2008 and awarded loss of income at Rs.16,27,370 – If, proper – Rejection of IT Returns on sole ground of its filing after date of accident alone, held, not legally sustainable – Relevance of IT Returns stems

for relevant period i.e. Financial year and on date on which it is filed with IT Department – It is discretin of Tribunal to adopt either average Income or choose a Assessment year to rely upon -High Court dealt with matter in a casual and superficial way reducing rightful claim uder Welfare legislation without any cogent reason – setting aside award of High Court, award as passed by Tribunal restored.

"G.Palaniswame and others (Vs.) Jawaharlal B. Patel and others, 2021 ACJ 20236"
Quantum – Fatal accident – Deceased a woman aged 38, involved inreal estate business, partner in 4 concerns and proprietrix of 3 concerns, owing agricultural land and other properties, earning Rs.6,33,300 p.a. - Claimants: husband, minor son and daughter – Tribunal awarded Rs. 88,09,600 – Appellate court considering the income tax returns took income at Rs.6,00,000 p.a. and after deducting income tax fixed income at Rs.5,50,000 p.a., added 40 percent of income towards future prospects, deducted 1/3rd for personal expenses, adopted multiplier of 15 and allowed Rs.77,00,000 plus Rs.50,000 to husband for loss of consortium, Rs.50,000 for loss of love and affection, Rs.1,00,000 for loss of care and guidance to minor children, Rs.10,000 for transportation and Rs.25,000 for funeral expenses – award of Rs. 88,09,600 reduced to Rs.79,35,000.

"S.Sasikala and others (Vs.) Shakhi Enterprises, 2021 (2) TN MAC (DB)"
Income – Loss of Income – Assessment – Deceased aged 53 years, doing catering business and earning Rs.1,50,000 p.m. as per claim – IT Returns for Assessment years 2015-16, 2016-17 & 2017-18 marked – Tribunal taking average of net income during 3 Assessment years, arrived at Rs.7,45,303 p.a. - Held, not proper – IT returns filed just prior to death of deceased i.e. for year 2017-18 to be determining factor – Taking net income during 2017-18 at Rs.10,25,385 p.a. and adding 10% towards future prospects, Annual Income fixed at Rs.11,27,323/- - Deducting 1/3rd towards personal Expenses and applying multiplier of 11, loss of income awarded at Rs.82,67,035/- as against Rs.60,01,600 awarded by Tribunal.

"Rajbala and others (Vs.) Krishan Kumar Sharma and others, 2024 ACJ 605"
Quantum – fatal accident – principles of assessment - Income – Determination of – Contention that Tribunal erred in taking average of income shown in ITRs of three preceding years instead of last ITR filed prior to the accident – Tribunal may consider any ITR which in its opinion reflects true income of the deceased or may even take average of income shown in ITRs for preceding few years – However, as a general rule Tribunal should assess income based on last ITR filed before the date of accident as it would reflect true income of the deceased on the date of accident except in cases where reasons like abnormal increase in income due to some abrasion or exceptional event are shown for discarding the same – No reason

assigned by Tribunal for not considering last ITR – Last ITR does not show any unreasonable increase in income – Whether Tribunal erred in averaging the income shown in ITRs of three preceding years – Held: yes; Tribunal directed to re-assess compensation based on income shown in last ITR.

"Oriental Insurance Co. Ltd. (Vs.) Sharda Devi and others, 2025 ACJ 670"
ITR filed prior to death of the deceased should be the basis; income cannot be assessed on the basis of average of income shown in previous years' ITRs.

As per the citations, this tribunal has taken the Ex. P-14 latest income tax return for AY 2021-2022/FY 2020-2021 of the deceased, and his annual income is Rs. 4,93,720/- in the AY 2021-22/FY 2020-2021 for the just and reasonable compensation, since the IT assessee died on 10.04.2021. So, this tribunal holds that the petitioners are entitled to compensation as hereunder:-

1.	Deceased's name	Mr. Babu Kishore	
2.	Deceased age	52	Reference with Ex. P-3 death certificate
3.	Deceased employment	Business	Reference of PW-1 Evidence
4.	Income of the deceased	Rs. 4,93,720/- p.a.	Reference to the Ex. P-14 IT returns
5.	Deceased's personal expenses	Dependents No. 3	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
6.	Net annual income for calculation	Rs. 4,93,720/- X ¼ = Rs. 1,23,430//- Rs.4,93,720 – Rs.1,23,430/- = Rs.3,70,290/-	At the time of the accident, the deceased father was a dependent, later died. "*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
7.	Added the additional income from the private employment	Rs. 3,70,290/- X 10% = Rs. 37,029/- + Rs. 3,70,290 = Rs. 4,07,319/-	*"National Insurance Co. (Vs.) Pranay Sethi & ors., (2017) 16 SCC 680"*

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:43:09 +0530

8.	Net Annual income	Rs. 4,07,319/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121*"
9.	Multiplier	11	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121*"
10.	Loss of Income/ Loss of Dependency	Rs.4,07,319/- X 11 = Rs. 44,80,509/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121*"
11.	Funeral Expenses	Rs. 15,000/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121*"
12.	Loss of estate	Rs. 15,000/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121*"
13.	Spouse &Parental consortium	Rs. 40,000/- X 3 = Rs. 1,20,000/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121*"
14.	Transport expenses	Rs. 10,000/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121*"
	Total compensation	Rs. 46,40,509/-	

As per the above calculation, the respondents, no. 1 and 2, are jointly or severally liable to pay the compensation, a sum of Rs. 46,40,509/- with proportionate interest and costs to the petitioners. Thus, Point No. 3 is answered accordingly.

10. Answer to the Point No.4: - (MCOP No.1866/2022)

10.1. In respect of the compensation to the petitioner in MCOP No. 1866/2022, subject to his injuries and medical bills. Because the petitioner has attended the medical board, and disability certificate Ex. C-2 was received by the court. so, the tribunal should decide compensation based on the income and multiplier as per citation as

SELVAM D Digitally signed by SELVAM D
Date: 2026.08.10 18:43:15 +0530

"Ramshad (Vs.) Afsal & Ors., Special Leave Petition (Civil)No.15867 of 2026, Hon'ble Supreme Court".

10.2. The minor is school going child. So, the school going children income ought to be decided notionally as per the relied citation as

"Andal and Ors. (Vs.) Avinav Kannan and Ors., C.M.A. No. 2330/2017, High Court of Madras"

"Farija and Ors., (Vs.) Muthuselvan and Ors., C.M.A. No. 2942/2025, High Court of Madras"

As per the citation, the notional income of the minor injured is taken a sum of Rs. 15,000/- and the compensation is calculated hereunder.

1.	Injured name	Minor	
2.	Injured age	13	Reference with Ex. P-6
3.	Injured employment	Student	Reference of PW-1 Evidence
4.	Income of the Injured	Rs. 15,000/- p.m.	*"Farija and Ors., (Vs.) Muthuselvan and Ors., C.M.A. No. 2942/2025, High Court of Madras"*
5.	Net annual income for calculation	Rs. 15,000/- X 12 = Rs. 1,80,000//-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
6.	Added the additional income from the private employment	Rs. 1,80,000/- X 40% = Rs.72,000/- + Rs. 1,80,000 = Rs. 2,52,000/-	*"National Insurance Co. (Vs.) Pranay Sethi & ors., (2017) 16 SCC 680"*
7.	Net Annual income	Rs. 2,52,000/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
8.	Multiplier	18	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
9.	Disability percentage	12%	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
10.	Loss of Income/	Rs. 2,52,000/- X 18	*"Ramshad (Vs.) Afsal & Ors., Special*

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:43:22 +0530

	Loss of injured	X 12/100 = Rs. 5,44,320 /-	*Leave Petition (Civil)No.15867 of 2026, Hon'ble Supreme Court".*
11.	Medical Bills	Rs.3,82,160/-	Reference with Ex. P-24
12.	Transportation charges	Rs. 10,000/-	
13.	Extra Nourishment	Rs. 22,000/-	1000/- per day (22 days)
14.	Pain and suffering	Rs. 5,00,000/-	
15.	Attendant charges	Rs. 22,000/-	Rs. 1000/- per day (22 days)
16.	Cloth Damages	Rs. 5,000/-	
17.	Loss of happiness and amnities	Rs, 2,00,000/-	
	Total compensation	Rs.16,85,480/-	

As per the above calculation, the 1st and 2nd respondents are jointly or severally liable to pay the compensation, a sum of Rs. 16,85,480/- with proportionate interest and costs to the petitioner. Thus, Point No. 4 is answered accordingly.

11. Answer to the Point No. 5: - (MCOP No.1867/2022)

11.1. In respect of the compensation to the petitioner in MCOP No. 1867/2022, subject to his injuries and medical bills. Because the petitioner has attended the medical board, and disability certificate Ex. C-1 was received by the court. So, the tribunal should decide compensation based on the income and multiplier as per the citation as

"Ramshad (Vs.) Afsal & Ors., Special Leave Petition (Civil)No.15867 of 2026,

SELVAM D Digitally signed by SELVAM D
Date: 2026.08.10 18:43:29 +0530

Hon'ble Supreme Court".

11.2. The petitioner is a housewife. In respect of the housewife, income ought to be decided on a notional basis as per the relied citation as

> ***"Shishu Pal @ Shish Ram & Ors. (Vs.) Surjeet & Ors., Special Leave Petition(Civil) No.33915 of 2025, Hon'ble Supreme Court of India"***
> *Loss Of Domestic Care: An Additional Head*
> *20. It is in these circumstances, that we deem it appropriate to direct that when a Motor Accidents Claim Tribunal or the High Court or this Court is concerned with or a case involving the death of a homemaker, in order to overcome the inherent disadvantage accrued against the homemaker on a calculation of compensation on the basis of conservatively computed notional income and while being acutely aware of the dictum in Pranay Sethi (supra) regarding loss of consortium as also the disposition towards uniformity, that for the three major heads (the homemaker's contribution towards smooth functioning of the household, the loss of maternal support for children and loss of spousal support/the support and care of their child who is an adult, for the parents of the deceased) discussed in the foregoing paragraphs, 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 homemaker does not have an input into the house, in strictly conventional, monetary terms. In those cases where the homemaker 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.*

As per the citation, the notional income of the injured petitioner/housewife is taken a sum of Rs. 30,000/- and the compensation is calculated hereunder.

1.	Injured name	Mrs. Malathi	
2.	Injured age	47	Reference with Ex.P-6
3.	Injured employment	House wife	Reference of PW-1 Evidence
4.	Income of the Injured	Rs. 30,000/- p.m.	*"Shishu Pal @ Shish Ram & Ors. (Vs.) Surjeet & Ors., Special Leave Petition (Civil) No.33915*

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:43:35 +0530

			of 2025, Hon'ble Supreme Court of India"
5.	Net annual income for calculation	Rs. 30,000/- X 12 = Rs. 3,60,000//-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
6.	Added the additional income from the private employment	Rs. 3,60,000/- X 25% = Rs.9,00,000/- 3,60,000 = Rs. 12,60,000/-	*"National Insurance Co. (Vs.) Pranay Sethi & ors., (2017) 16 SCC 680"*
7.	Net Annual income	Rs. 12,60,000/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
8.	Multiplier	13	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
9.	Disability percentage	22%	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
10.	Loss of Income/ of injured	Rs. 12,60,000/- X 13 X 22/100 = Rs. 36,03,600/-	"*Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"*
11.	Medical Bills	Rs. 3,82,326/-	*Reference with Ex.P-23*
12.	Transportation charges	Rs. 10,000/-	
13.	Extra Nourishment	Rs. 26,000/-	1000/- per day (26 days)
14.	Pain and suffering	Rs. 5,00,000/-	
15.	Attendant charges	Rs. 26,000/-	Rs. 1000/- per day (26 days)
16.	Cloth Damages	Rs. 5,000/-	
17.	Loss of happiness and amnities	Rs, 2,00,000/-	
	Total compensation	Rs.47,52,926/-	

As per the above calculation, the 1st and 2nd respondents are jointly or severally liable to pay the compensation, a sum of Rs.47,52,926/- with proportionate interest

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:43:48 +0530

and costs to the petitioner. Thus, Point No. 5 is answered accordingly.

12. In the result,

12.1. MCOP No. 1865/2022:

(i) This petition is partly allowed with proportionate costs:

(ii) The petitioners are entitled to get an award of Rs. 46,40,509/- in total, and the award amount shall be payable by the respondents along with the interest at the rate of 7.5 % from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).

(iii) Out of the above compensation amount, the 1st petitioner is entitled to Rs. 16,40,509/- with proportionate interest and costs. The 2nd petitioner is entitled to Rs. 15,00,000/- with proportionate interest and costs. The Minor 3rd petitioner is entitled to a sum of Rs. 15,00,000/- with proportionate interest and costs. On the pending of the case the 4th petitioner was died. The Minor 3rd petitioner award amount shall be deposited in any nationalized bank in their name till attaining majority.

(iv) The petitioners are directed to pay the balance court fee of Rs. 45,405/- within a period of 15 days, failing which they shall not be entitled to get interest till the payment of the court fee.

(v) As per the Judgment of the **Hon'ble Supreme Court in PARMINDER**

SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025, the tribunals are directed to pass an award by ordering the insurance company to transfer the 1st and 2nd claimants award amount into their Bank account and to transfer the 3rd minor claimant award amount into the court account, after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the respondents are directed to transfer the award amount to the Claimant (s) Bank Account Number and IFSC Code are given as follows:-

Claimant Name	Bank and Account No.	IFSC Code
Malathi	State Bank of India, Palayamkottai Account No.20124729603	SBIN0010482
Guruvarshini	State Bank of India, Kilakarai Account No. 32911035045	SBIN0002223
Minor. Guruvishahan	Indian Bank, Veeraragavapuram Branch, A/c No. 6452932923 (Court Account)	IDIBOOOT105

(vi) If the Minor 3rd petitioner award amount was transferred to the court account by way of E-Transfer in the same of 1st Additional District Judge (MACT), Tirunelveli by NEFT or RTGS mode to the following Account No.6452932923 (IFSC Code: IDIBOOOT105, MICR Code 627019004) of Indian Bank,

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:44:04 +0530

Veeraragavapuram Branch, Tirunelveli, and it shall be deposited in any one nationalized bank in the name of minor 3rd petitioner till attaining the majority and this court permitted the 1st petitioner to receive the interest from the deposit once in 3 month for maintenance to the minor.

(vii) Advocate fee is calculated as Rs. 54,905/-. This court directs the respondent to pay the advocate's fee to the counsel for the petitioners' account.

(viii) There is no need to prepare of draft the decree for this award and further all the parties are entitled to get free copies of the award as per the Section 168(2) of the Act and 20(6) of the Rules, as per order passed by the Hon'ble High Court of Madras in M/s Choolamandalam MS General Insurance Co Ltd., (Vs.) Ayyanar and others Judgment dated 11.05.2020 in Tr.CMP. Nos. 264 to 281 of 2020.

12.2. MCOP No. 1866/2022:

(i) This petition is partly allowed with proportionate costs:

(ii) The petitioner is entitled to get an award of Rs. 16,85,480/- in total, and the award amount shall be payable by the respondents jointly and severally along with the interest at the rate of 7.5 % from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).

(iii) Out of the above compensation amount, the minor petitioner is entitled to Rs. 16,85,480/- with proportionate interest and costs. The Minor petitioner award amount shall be deposited in any nationalized bank in their name till attaining majority.

(iv) The petitioners are directed to pay the balance court fee of Rs. 15,855/- within a period of 15 days, failing which they shall not be entitled to get interest till the payment of the court fee.

(v) As per the Judgment of the **Hon'ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025,** the tribunals are directed to pass an award by ordering the insurance company to transfer the minor claimant award amount into the court account, after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the respondents are directed to transfer the award amount to the Claimant (s) Bank Account Number and IFSC Code are given as follows:-

Claimant Name	Bank and Account No.	IFSC Code
Minor. Guruvishahan	Indian Bank, Veeraragavapuram Branch, A/c No. 6452932923 (Court Account)	IDIBOOOT105

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:44:15 +0530

(vi) Advocate fee is calculated as Rs. 25,355/-. This court directs the respondents to pay the advocate's fee to the counsel for the petitioners' account.

(vii) There is no need to prepare of draft the decree for this award and further all the parties are entitled to get free copies of the award as per the Section 168(2) of the Act and 20(6) of the Rules, as per order passed by the Hon'ble High Court of Madras in M/s Choolamandalam MS General Insurance Co Ltd., (Vs.) Ayyanar and others Judgment dated 11.05.2020 in Tr.CMP. Nos. 264 to 281 of 2020.

12.3. MCOP No. 1867/2022:

(i) This petition is partly allowed with proportionate costs:

(ii) The petitioner is entitled to get an award of Rs. 47,52,926/- in total, and the award amount shall be payable by the respondents jointly and severally along with the interest at the rate of 7.5 % from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).

(iii) Out of the above compensation amount, the petitioner is entitled to Rs. 47,52,926/- with proportionate interest and costs.

(iv) The petitioners are directed to pay the balance court fee of Rs. 46,529/- within a period of 15 days, failing which they shall not be entitled to get interest till the payment of the court fee.

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:44:20 +0530

(v) As per the Judgment of the **Hon’ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025,** the tribunals are directed to pass an award by ordering the insurance company to transfer the claimant award amount into their Bank account, after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the respondents are directed to transfer the award amount to the Claimant (s) Bank Account Number and IFSC Code are given as follows:-

Claimant Name	Bank and Account No.	IFSC Code
Malathi	State Bank of India, Palayamkottai Account No.20124729603	SBIN0010482

(vi) Advocate fee is calculated as Rs. 56,029/-. This court directs the respondents to pay the advocate's fee to the counsel for the petitioners’ account.

(vii) There is no need to prepare of draft the decree for this award and further all the parties are entitled to get free copies of the award as per the Section 168(2) of the Act and 20(6) of the Rules, as per order passed by the Hon’ble High Court of Madras in M/s Choolamandalam MS General Insurance Co Ltd., (Vs.) Ayyanar and others Judgment dated 11.05.2020 in Tr.CMP. Nos. 264 to 281 of 2020.

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:44:26 +0530

This order is directly dictated to the Steno-typist, typed by her in a computer, and corrected and pronounced by me in the open Court, on this the 10th day of August 2026.

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:44:30 +0530

MOTOR ACCIDENT CLAIMS TRIBUNAL
JUDGE/ 1 ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

Petitioners' side documents:

PW-1	Mrs. Malathi (1st petitioner in MCOP No. 1865/2022)

Petitioners' side documents:

Ex. P-1	10.04.2021	First Information Report	Photocopy
Ex. P-2	11.04.2021	Postmortem certificate of the deceased Babu Kishore	Photocopy
Ex. P-3	15.04.2021	Death certificate of the deceased Babu Kishore	Original
Ex. P-4	10.12.2021	Rough Sketch	Photocopy
Ex. P-5	01.10.2021	MV Report	Photocopy
Ex. P-6	10.12.2021	Wound Certificate	Photocopy
Ex. P-7	---	Study certificates of the deceased Babu Kishore	Photocopy
Ex. P-8	---	Study certificate of the Mrs. Malathy	Photocopy
Ex. P-9	14.05.2021	Legal heir certificate of the deceased Babu Kishore	Download copy
Ex. P-10	---	Certificate of the Skating Championship of the Minor B. Guruvishahan	Photocopy
Ex. P-11	---	Income Tax Return Statement for the period from 2017-2018.	Photocopy
Ex. P-12	---	Income Tax Return Statement for the period from 2018-2019.	Photocopy

SELVAM D Digitally signed by SELVAM D Date: 2026.08.10 18:44:35 +0530

Ex. P-13	---	Income Tax Return Statement for the period from 2019-2020.	Photocopy
Ex. P-14	---	Income Tax Return Statement for the period from 2020-2021	Photocopy
Ex. P-15	---	Aadhaar card of the deceased Babu Kishore	Photocopy
Ex. P-16	---	Aadhaar card of the petitioners	Photocopy
Ex. P-17	---	Bank Passbook of the petitioners	Photocopy
Ex. P-18	---	PAN card of the petitioners	Photocopy
Ex. P-19	---	Business Transaction Ledgers and Daybook of the deceased Babu Kishore for the period from 2019-2020.	Download copy
Ex. P-20	---	Business Transaction Ledgers and Daybook of the deceased Babu Kishore for the period from 2020-2021.	Download copy
Ex. P-21	30.08.2025	Rhock Hospital Attending Medical Authority advised ACL Reconstruction Surgery approximate estimate for the surgery.	Original
Ex. P-22	---	Identidy card of the deceased Babu Kishore working as ICICI Insurance Agent.	Photocopy
Ex. P-23	---	Medical Bills (Nos. 123)	Original
Ex. P-24	---	Medical Bills (Nos. 92)	Original
Ex. P-25	30.04.2021	Discharge summary of the Mrs. Malathi	Original
Ex. P-26	26.05.2021	Discharge summary of the Mrs. Malathi	Original
Ex. P-27	30.04.2021	Discharge summary of the Minor Guru Vishahan	Original

SELVAM D Digitally signed by SELVAM D
Date: 2026.08.10 18:44:42 +0530

Ex. P-28	18.12.2021	Discharge summary of the Minor Guru Vishahan	Original
Ex. P-29	06.10.2015	Appointment letter of the deceased Babu Kishore	Original
Ex. P-30	24.01.2019	Resigning letter of the deceased Babu Kishore	Original
Ex. P-31	---	Salary statement of the deceased Babu Kishore for the period from May 2018.	Download copy

Respondent side witnesses and documents: Nil

Court side documents:

Ex. C-1	17.12.2024	Disability Certificate of Mrs. Malathi issued by Medical Board, Tirunelveli.	Original
Ex. C-2	17.12.2024	Disability Certificate of Minor Guru Vishahan issued by Medical Board, Tirunelveli.	Original

SELVAM D Digitally signed by SELVAM D
Date: 2026.08.10 18:44:48 +0530

MOTOR ACCIDENT CLAIMS TRIBUNAL
JUDGE/ 1 ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

Motor Accidents Claim Tribunal
1st Additional District Tribunal,
Tirunelveli
MCOP No.1865/2022,
MCOP No.1866/2022,
MCOP No.1867/2022,
Draft/Fair Common Order
Dated: 10.08.2026