BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL

(III COURT OF SMALL CAUSES, CHENNAI)

Present: Shri. M.DHARMAPRABU, M.A., M.L.,

III Judge, Court of Small Causes

Thursday, the 02nd day of July 2026

Motor Accidents Claims Original Petition No.2067 of 2023

CNR NO : TNCH09-004558-2023

1. Sujatha, W/o.Magimai,
2. Mageswari, W/o.Sakthivel,
3. Kalaimani, S/o.Late Kajendran.

All are residing at:
No.22/67, Erneeshwaran Kovil 4th Street,
Ernavoor, Ennore, Chennai – 600 057. …Petitioners

-Vs-

1. Syeed Noorullah, S/o.Syed Usman,
No.388/197, Sooriya Narayana Street,
Chennai – 600 021.

2. HDFC ERGO General Insurance Co. Ltd.,
No.94/95, 2nd Floor RR Tower II,
Thiru vi ka Industrial Estate, Guindy,
Chennai – 600 032. …Respondents

Appearance:

M/s.K.M.Ramesh & J.Vimala Ramesh, Counsels appearing for the Petitioners.

1st Respondent: Set *exparte* on 25.07.2023

M/s.M.Jayaraj, Counsel appearing for the 2nd respondent.

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Upon perusing the entire records, I passed the following

AWARD

The Petition is filed seeking for compensation of Rs. 30,00,000/-under Section 166 of the MV Act for the death of Machagandhi in a motor accident.

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2. Crux of Petitioner:

The Deceased was aged about 54 years doing fish business thereby earning Rs.2,000/- per day. On 21.02.2023 at about 03.00 p.m., when the deceased was traveling in a Van bearing registration number TN 03 A 6943 at Chennai to Trichy NH 45, it dashed against her due to the rash and negligent driving of its driver. A criminal case was registered in Cr.No. 30 of 2023 by Olakkur Police Station. The deceased died on the spot. The 1st Respondent is the owner and the 2nd Respondent is its insurer. The 1st Petitioner and 2nd Petitioner are daughters of the deceased and the 3rd Petitioner is the son of the deceased. Hence, the petition.

3. The 1st Respondent remained *exparte.*

4. Gist of the Counter of the 2nd Respondent:

On verification of the records, this Respondent had not issued an policy in the name of the 1st Petitioner under Policy No. 2312101191363000000 for the vehicle TN 03 A 6943. Thus, the insurance policy stated in the petition is a manipulated one and is fake. The said insurance policy was issued in favour of one Lawrence Chandra for a two-wheeler bearing registration number TN 02 AE 7053 and it was also cancelled due to misrepresentation of facts. The said policy has been manipulated by the 1st Respondent. Since the offending vehicle was not insured with this Respondent, it is not liable to pay compensation to the petitioner. Manner, age, occupation and income of the deceased are denied. In any event, the petition is liable to be dismissed.

5. The points to be determined are as follows:

1. On whose negligence, did the accident occur?
2. Whether the petitioner is entitled to compensation? If so, to what extent? And from whom?
3. Which respondent is liable to pay compensation?

6. On the side of the Petitioners, 1st Petitioner was examined as PW1 and one Rani, an eye witness was examined as PW2 and Ex.P1 To P20 were marked. The

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2nd Respondent filed an application under Section 170 of the MV Act and allowed. The Official of the 2nd Respondent was examined as RW1 and Ex.R1 to R7 were marked. Another official of the 2nd Respondent was examined as RW2 and Ex.R9 and R10 were marked.

7. Answer to Point No.1:

(a) The burden lies upon the Petitioners to establish that the accident occurred due to the rash and negligent driving of the driver of the Van. In order to prove the manner of accident, the 1st Petitioner was examined as PW1. Though PW1 is not an eyewitness to the occurrence, she has spoken about the accident based on the information received by her and has identified the documents relating to the accident. More importantly, PW2 Rani, who claims to be an eyewitness to the occurrence, has been examined. PW2 has categorically deposed that on 21.02.2023 at about 03.00 p.m., when the deceased was traveling in the offending Van bearing Registration No. TN 03 A 6943 on Chennai–Trichy NH-45, the driver drove the vehicle in a rash and negligent manner and dashed the vehicle, resulting in the fatal accident in which the deceased sustained grievous injuries and died on the spot. Nothing substantial has been elicited in the cross-examination of PW2 to discredit her version regarding the manner of occurrence.

(b) The oral evidence of PW2 is corroborated by the contemporaneous public records. Ex.P1 FIR was registered against the driver of the offending Van immediately after the occurrence. Ex.P2 Death Report, Ex.P3 Postmortem Certificate and Ex.P4 Death Certificate establish that the deceased succumbed to the injuries sustained in the very same accident. Further, Ex.P5 Final Report reveals that, upon completion of investigation, the police found sufficient materials to prosecute the driver of the offending Van for the offenses arising out of the accident. In the absence of contra evidence, I hold that the accident occurred solely due to the rash and negligent driving of the driver of the Van. Accordingly, Point No.1 is answered in

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favor of the Petitioners.

8. <u>Answer to Point No.2:</u>

(a) The deceased was aged about 54 years at the time of the accident. Her age is established through Ex.P2 Death Report, Ex.P3 Postmortem Certificate, Ex.P4 Death Certificate and Ex.P6 Aadhaar Card, which disclose her date of birth as 09.02.1969. The Petitioners have claimed that the deceased was doing fish business and earning a sum of Rs.2,000/- per day. Though Ex.P7 e-Shram Card has been produced, no acceptable documentary evidence has been placed before this Tribunal to establish her actual monthly income. Therefore, the monthly income has to be fixed notionally.

(b) The accident occurred during the year 2023. In ***Syed Sadiq v. United India Insurance Co. Ltd.,*** **(2014) 2 SCC 735,** the Hon'ble Supreme Court adopted Rs.6,500/- per month as the notional income for a vegetable vendor involved in an accident of the year 2008. Applying the Cost Inflation Index method, the notional income for the year 2022-2023 is **Rs. 16,682/-** (6,500 × 331 ÷ 129). Rounded off to **Rs.16,700/-** per month. Since the deceased was self-employed and aged between 50 and 60 years, an addition of **10%** towards **future prospects** is liable to be made in terms of the principles laid down in ***National Insurance Co. Ltd. v. Pranay Sethi and Ors.,*** **AIR 2017 SC 5157**. Thus, the monthly income works out to **Rs.18,370/-** (Rs.16,700/- + Rs.1,670/-).

(c) The deceased has left behind three children, namely the Petitioners. Since the deceased left three dependents, one-third is deducted towards her personal and living expenses in terms of ***Sarla Verma v. Delhi Transport Corporation,*** **(2009) 6 SCC 121**. Thus, the monthly contribution to the family is fixed at **Rs.12,247/-**. The annual contribution works out to **Rs.1,46,964/-** (Rs.12,247 × 12). As the deceased was aged **54 years**, the appropriate multiplier applicable is **'11'**. Accordingly, the **Loss of Dependency** is calculated at **Rs.16,16,604/-** (Rs.1,46,964 × 11).

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(d) Applying the principle enunciated in ***Pranay Sethi's case***, under the conventional heads viz., **Loss of Estate** and **Funeral Expenses**, Rs.15,000/- each is liable for enhancement by 10% once in every three years. Since two blocks of three years have elapsed after the said judgment, this Tribunal awards **Rs.18,150/-** towards **Loss of Estate** and **Rs.18,150/-** towards **Funeral Expenses**. The Petitioners are the daughters and son of the deceased. Being the children of the deceased, they are each entitled to **parental consortium**. Accordingly, a sum of **Rs.48,400/- each** is awarded to **Petitioners 1 to 3**, totaling **Rs.1,45,200/-** towards **Loss of Consortium**.

(e) Thus, under the various heads, the Petitioners are entitled to the following compensation:

Sl. No.	Head of Compensation	Amount (Rs.)
1.	Loss of Dependency	16,16,604/-
2.	Loss of Estate	18,150/-
3.	Loss of Consortium (Rs.48,400 × 3)	1,45,200/-
4.	Funeral Expenses	18,150/-
	Total	**17,98,104/-**
	Rounded off to the nearest Thousand	**17,98,000/-**

(f) Therefore, the Petitioners are entitled to a total compensation of **Rs.17,98,000/- (Rupees Seventeen Lakhs and Ninety Eight Thousand only)** together with interest at the rate of 6.5% per annum from the date of filing of the petition till the date of deposit.

Apportionment:

(g) Considering that all the Petitioners are the children and legal representatives of the deceased, the award amount is apportioned to that effect that the petitioners are entitled to equal share.

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9. <u>Answer to Point No.3:</u>

(a) The defense raised by the 2nd Respondent is that the offending vehicle was not insured with it on the date of accident. According to the 2nd Respondent, the insurance policy marked as Ex.P18 is not genuine. It is the specific case of the insurer that the policy number found in Ex.P18 had in fact been issued in favor of Lawrence Chandru for a different vehicle, namely a two-wheeler and that the said policy itself had subsequently been cancelled. In support of its defense, the insurer examined RW1 and RW2 and produced Ex.R1 to Ex.R6, including the original policy details, correspondence addressed to the insured and the Regional Transport Officer, the product code details and the police complaint lodged regarding the fake insurance policy.

(b) On a careful scrutiny of the records, this Tribunal finds that Ex.P18 is not a clear copy and no satisfactory explanation has been offered by the Petitioners as to the source from which the said document was obtained. On the other hand, the oral evidence of RW1 and RW2 coupled with the documentary evidence produced under Ex.R series probabilises the defense that the insurance policy relied upon by the Petitioners is a manipulated and fabricated document. Accordingly, this Tribunal holds that the Petitioners have failed to establish that the offending vehicle was insured with the 2nd Respondent. Consequently, the 2nd Respondent/Insurance Company cannot be fastened with any liability to satisfy the award. Accordingly, the point is answered to the effect that the 1st Respondent is liable to pay compensation to the Petitioners.

10. <u>Result :</u>

In fine,

(a) The Petition is partly allowed;

(b) The Petitioner is awarded a compensation of **Rs. 17,98,000/- (Rupees Seventeen Lakhs and Ninety Eight Thousand only)** with interest at a rate of 6.5 %

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p.a. from the date of filing of the petition till the date of deposit excluding the period of dismissal for default, if any;

(c) The 1st Respondent is directed to deposit the said compensation amount in the **Tribunal's Account "Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai" within two months;** In default, the interest shall be at the rate of 7.5% instead of 6.5.% p.a.,

(d) Upon such deposit, the 1st Respondent is directed to send a copy of **Bank Advice** to this Tribunal and a copy of the same to be sent to the Petitioner;

(e) Out of the award amount, the petitioners are entitled to equal share.

(f) On petitions for withdrawal of the amount, excluding the proportionate Costs, Advocate Fees, etc., the rest of the amount shall be transferred to the Petitioners'/claimants' bank account details of which are furnished below through RTGS/NEFT.

(g) The petitioners are directed to deposit the **deficit court fees** for the award amount **within two weeks** from the date of this order, if not already paid and only on such deposit, the Petitioner is entitled for disbursement;

(h) The Advocate fees is fixed as **Rs. 24,980/-.**

REQUIRED PARTICULARS

1.	Date of Presentation	10-04-2023	
2.	Date of filing	20-04-2023	
3.	Compensation Claimed	Rs.	30,00,000/-
4.	Court fees paid	Rs.	375/-
5.	Compensation Awarded	Rs.	17,98,000/-
6	Court Fees payable on the Award	Rs.	17,352.50/-
7.	**Deficit Court fees Payable (6-4)**	**Rs.**	**16,977.50/-**
8.	Petitioner's Bank Name and Branch	1st Petitioner – Indian Bank, Ennore 2nd Petitioner – Union Bank of India, Kathivakkam.	

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		3rd Petitioner – Indian Bank, Ennore
9.	Petitioner's Account number and IFSC code	1st Petitioner – 6114695831, IDIB000E025. 2nd Petitioner – 332802010579568, UBIN0533289. 3rd Petitioner – 6004230776, IDIB000E025
10.	Petitioner's Aadhar	1st Petitioner – 7374 0885 7830 2nd Petitioner – 6318 5182 7254 3rd Petitioner – 9613 6551 2973
11.	Petitioner's PAN	1st Petitioner – ESYPS6690J 2nd Petitioner – DAVPM5603R
12.	Default period, if any	---

Additional court fee paid, MP SR.No......…………….......; dated

STATEMENT OF COSTS

For the Petitioners						For the Respondents	
		Rs.		P.		Rs.	**P.**
Stamp on petition	-	17,352	.	50			
Stamp on Vakalat	-	20	.	00			
Stamp for process	-	40	.	00		-- not filed --	
Advocate fees	-	24,980	.	00			
Costs allowed	-	42,392	.	50			

//Dictated to the Steno typist, typed by him in the computer directly, corrected and pronounced by me in the open Court, on this Thursday, the 02nd day of July 2026.//

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III Judge
Court of Small Causes, Chennai.

Petitioner's side Witness:

P.W.1 : Mrs. Sujatha, Petitioner
P.W.2 : Mrs. Rani, Eye Witness

Petitioner's side Exhibits:

Ex.P1 : First Information Report
Ex.P2 : Death Report
Ex.P3 : Post Mortem Certificate
Ex.P4 : Death Certificate
Ex.P5 : Charge Sheet
Ex.P6 : Aadhar card of the deceased
Ex.P7 : Deceased e-Shram Card
Ex.P8 : Legal Heirship Certificate
Ex.P9 : Aadhar Card copy of the 1st petitioner
Ex.P10 : Aadhar Card copy of the 2nd petitioner
Ex.P11 : Aadhar Card copy of the 3rd petitioner
Ex.P12 : Bank Pass book copy of the 1st petitioner
Ex.P13 : Bank Pass book copy of the 2nd petitioner
Ex.P14 : Bank Pass book copy of the 3rd petitioner
Ex.P15 : Pan card copy of the 1st petitioner
Ex.P16 : Pan card copy of the 2nd petitioner
Ex.P17 : RC Book
Ex.P18 : Insurance policy
Ex.P19 : Driving License
Ex.P20 : Aadhar Card copy of the PW2

2nd Respondent side Witness:

R.W.1 : Mr. Balakrishnan
R.W.2 : Mr. Jaswin Ratnasekar

2nd Respondent side Exhibits:

Ex.R1 : Authorization Letter
Ex.R2 : Policy issued by respondent
Ex.R3 : Letter sent to Lawrence chandru
Ex.R4 : Letter sent to RTO
Ex.R5 : List of product names
Ex.R6 : Complaint copy
Ex.R7 : Premium register
Ex.R8 : Authorization Letter
Ex.R9 : Order copy in Crl. OP.No. 2302/2021

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III Judge
Court of Small Causes, Chennai.

Note:

(a) In view of Sub-rule 6 of Rule 20 of TNMAC Rules, 1989 and **M/S.Cholamandalam MS Genl. Ins Co Ltd. v. Mr. Ayyanar & Ors., Tr.CMP. No. 264-281/2020 dt. 11.05.2020**, Drafting of Decree has been dispensed with by direction of the Hon'ble High Court.

(b) Advocate Fees are fixed fixed by the Tamil Nadu State Legal Authority Act Circular dated 17.10.2016 and Rule 20(5) of Tamil Nadu Motor Vehicles Accident Claims Tribunal Rules 1989.

(c) Digitally Signed copy of the Award shall be utilized for all the purposes.