BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL /

ADDITIONAL DISTRICT JUDGE, HOSUR

Present:Thiru.B.Santhosh, B.A., B.L.,

Additional District Judge, Hosur

Dated this 07th day of August 2026, Friday

MCOP. No: 30 of 2026

CNR.No: TNKI0E0000402026

1. Jothiyamma,
2. Basappa,
3. Sumithra. ...Petitioners

(Vs)

1. Sadiq Basha,
2. The Divisional Manager,
   United India Insurance Co., Ltd.,
3. *Ajju … Respondents

(Amended as per order in IA.No. 01/2019, dated 06.09.2019)

(a)	Name and Address of Claimants:	:	1. Jothiyamma, W/o.Basappa, aged 41 years, 2. Basappa, S/o.Kalappa, aged 47 years, 3. Sumithra, D/o.Basappa, aged 21 years, All are residing at No.2/81, Gollapalli Village, T.Sulukonda Post, Denkanikottai Taluk and Krishnagiri District.
(b)	Name and Address of Respondents:	:	1. Sadiq Basha, S/o.G.A.Jabbar, age not known, Chikka Masjidi Road, Anekal Taluk, Bangalore District. 2. The Divisional Manager, United India Insurance Co., Ltd., Divisional Office-

			VII, Sree Sairam Towers, 4th floor, No.24, Sir K.Puttanna Chetty Road, 5th main road, Bangalore 560018. 3. *Ajju, S/o.Jabbar, age not known, I-533, Rahamad Colony, Rayakottai, Denkanikottai Taluk, Krishnagiri District.
(c)	Name and Address of Insurance Companies:	:	The Divisional Manager, United India Insurance Co., Ltd., Divisional Office-VII, Sree Sairam Towers, 4th floor, No.24, Sir K.Puttanna Chetty Road, 5th main road, Bangalore 560018.
(d)	Municipal Transport Corporation (a) Other Respondents Name and Address to whom compensation is payable:	:	Nil
(e)	Date of filing of petition	:	14.11.2017
(f)	Date of Award	:	07.08.2026
(g)	Award Amount	:	Rs.21,25,036/- (Rupees Twenty One Lakhs Twenty Five Thousand and Thirty Six only)
(h)	Interest Payable	:	7.5%
(I)	From which date the interest amount is payable	:	14.11.2017
(j)	Cost details if any:	:	1. Stamp of petition Rs.20,623/- 2. Stamp of Vakalath Rs.10/- 3. Stamp of documents Rs.75/- 4. Advocate fee Rs.28,250/- 5. Process fee Rs.10/- Total Rs.48,968/-
(k)	Details as to who shall pay compensation, interest and costs as per the order	:	The 1st respondent shall deposit the compensation amount.
(l)	In case of multiple claimants in the petition, details of share of compensation available to each claimant	:	Nil

(m)	Details regarding how and by whom the compensation is to be paid	:	The compensation amount into the account No.36230251241 , IFSC code SBIN0040155 of Additional District Judge (MACT), Hosur being maintained in State Bank of India, Main branch Hosur within a month.
(n)	Details of the order passed regarding how the claimant can get the compensation	:	After the deposit of the entire compensation amount, the petitioners are entitled to with draw the compensation amount.
(o)	If there is any information that the interest on the compensation amount is not available to the claimant for any specified period	:	Nil
(p)	Court fee paid	:	Rs.375/-
(q)	Balance court fee to be paid within 10 days from the date of order	:	Rs.20,248/-
(r)	Excess court fees	:	Nil

This MCOP was filed on 04.11.2017 in this court in MCOP No. 426/2017 and transferred to Principal Sub Court Hosur on 20.02.2025 and renumbered as MCOP No.189/2025. Since the case was a fatal case, it was again transferred to this court on 28.01.2026 and renumbered as MCOP No.30/2026 and came up before me on 23.07.2026 in the presence of Tr.V.Yuvaraj learned counsel appearing for the petitioners, Tr.K.Nanje Gowdu learned counsels appearing for the R-2, R-1, R-3 called absent and set exparte and documents and hearing the arguments of both sides, this court today deliver the following.

ORDER

1) Petition filed under section 166 Motor Vehicle Act seeking compensation of Rs. 30,00,000/- from the respondents with interest.

The Brief facts stated in the petition:

2) The petitioners submitted that on 22.02.2016 at 08.00 P.M., the deceased Raja @ Muniraj was travelling as a company worker in Tata Sumo car bearing Reg.No. KA 28 M 2627 along with one Sumithra, Prema, Sudha, Selvaraj and Maregowdu. One Ajju Bai son of Abdul Khadar was driving the said car. All the workers were returning from the company to their respective houses after that days work is over. All of them went to T.Sulakunta village dropping one Maregowdu in his house. Thereafter when the said car was coming near the Kempegoundan Dhoddi Village in T.Sulakunta to Madakkal road at Bungalow Down, the driver of the said car drove the same in a rash, reckless and negligent manner, at an uncontrollable speed, without sounding horn, due to over speed, the driver was not able to control the vehicle and the car capsized on a ditch and rolled 50 feet. Due to the impact, the said Raja @ Muniraj sustained fatal injuries to his head and other vital organs and died on the spot. The said car was belongs to the 1st respondent and insured with the 2nd respondent and 3rd respondent is the driver of the car. The Thally police have registered a case against the driver of the said car in Cr.No.75/2016, under Sec.279, 337 and 304(A) of IPC. The said Raja @ Muniraj was aged about 23 years at the time of

accident and he was employed in M/s.Jinopiya Agri Private Co., Ltd., near Binnamangalam and was earning Rs.15,000/- per month. The 1st petitioner is the mother, 2nd petitioner is the father and 3rd petitioner is the younger unmarried sister of the deceased. The said car was belongs to the 1st respondent and insured with the 2nd respondent and 3rd respondent is the driver of the car. Hence all the respondents are liable to pay compensation to the petitioners. Therefore the petitioners come forward with this petition seeking compensation amount.

3) The 1st and 3rd respondents were remained exparte in this petition.

Brief facts stated in the counter filed by the 2nd respondent:

4) The 2nd respondent denied all the averments of the petition. The petition is not maintainable either in law or facts and it is liable to be dismissed. The 2nd respondent denies all the averments and allegations raised against the respondent. The 2nd respondent submitted that, 1st respondent not complied the provisions of section 134(c) of M.V.Act 1988 and the Police not complied the provisions of section 158(6) of M.V.Act 1988. The owner of the vehicle so far has not furnished the particulars of R.C., D.L., and insurance particulars as contemplated by the terms of policy. The accident was only occurred due to sudden cross of the cow on the road. There is no fault on part of the driver of the said TATA Sumo car. The said Tata Sumo car was insured under liability only policy. As per the policy terms and conditions the vehicle has to be used for private purpose only and the said vehicle cannot be used for hire purpose. Where

as in this case the above said vehicle was used for hire purpose. It is purely violation of policy terms and conditions. Further submit that the deceased Raja @ Muniraj and other occupants of the said Tata sumo car were working in the Genopiya Agri Private Company Ltd, at Thally and that the above company was used the above said car for the transportation of the employees and since the deceased and others workers in the above said company and that can claim under workmen compensation act. The deceased and others persons travelled in the above said car at the time of accident and they travelled as unauthorized passengers. Further the driver of Tata sumo car had no valid and effective driving license at the time of accident. The age, occupation and income of the deceased are all not correct and the petitioner did not produce the document to prove the same. The interest claimed is excessive and against the Judgment of Hon'ble Supreme Court of India. The petitioners claim for compensation is very high, excessive and exorbitant. Therefore the 2nd respondent sought to dismiss the petition.

5) The 1st petitioner has examined herself as PW-1 and marked Ex.P-1 to Ex.P-14. The petitioner has examined Tr.Selvaraj as PW-2. The 2nd respondent has examined Tr.Ramachandra as RW-1 and marked Ex.R-1. Both side arguments heard.

6) Point for determination:

1. Whether the accident took place due to the rash and negligent driving of the Tata Sumo car bearing Reg.No. KA 28 M 2627 by its driver?

2. Whether the respondents are liable to pay compensation to the petitioner?

3. What is the quantum of compensation to be awarded to the petitioner?

4. Whether the petitioner is entitled for any other relief?

Point No.(1):

7) It is settled proposition of law mere registration of FIR or even conviction by the criminal court is not ipso facto proof of negligence and this court has to decide the negligence on the part of the erring person independently. Further, it is also settled proposition of law that in motor accident claims, the test to arrive at conclusion of negligence is based on the evidential principle of preponderance of probabilities and not on beyond any reasonable doubt as required in a criminal cases.

8) The petitioner submitted that on 22.02.2016 at 08.00 p.m., the deceased Raja @ Muniraj was travelling as a company worker in the Tata Sumo car bearing Reg.No. KA 28 M 2627 along with one Sumithra, Prema, Sutha, Selvaraj and Maregowdu and when they were travelling near Kempegowdandoddi village in Shoolagunta- Madakkal road at Bungalow down, the driver of the car drove the same in rash and negligent manner at uncontrollably speed and therefore the car capsized on the ditch and rolled 50 feet and due to the accident the deceased Raja @ Muniraj sustained fatal injuries and died on the spot. The PW-1 deposed about the said fact in her testimony. But PW-1 during the cross examination deposed that she did not see the accident directly and she went to the scene of occurrence later. Therefore the evidence of

PW-1 cannot be relied upon in respect of the accident. The PW-2 Selvaraj deposed that on 22.02.2016 at 08.00 p.m the deceased Raja @ Muniraj was travelling as a company worker in the Tata Sumo car bearing Reg.No. KA 28 M 2627 along with one Sumithra, Prema, Sutha, Selvaraj and Maregowdu and when they were travelling near Kempegowdandoddi village in Shoolagunta-Madakkal road at Bungalow down, the driver of the car drove the same in rash and negligent manner at uncontrollably speed and therefore the car capsized on the ditch and rolled 50 feet and due to the accident the deceased Raja @ Muniraj sustained fatal injuries and died on the spot. The PW-2 Selvaraj also travelled in the car and therefore his evidence is cogent, natural and reliable. The PW-2 in the cross examination also specifically denied the suggestion that he has not scene the accident directly. The respondent submitted that since a cow suddenly cross the road, the driver of the car was not able to control the car and avoid the accident. But there is no evidence to prove that a cow has been passed suddenly in the road which resulted in the accident. The Thally police has registered the Ex.P-1 FIR against the driver of the car in Cr.No. 75/2016 under Section 279, 337, 304(A) of IPC. The respondent did not examine any witness on their side to disprove the case of the petitioner. Therefore it is clear that the accident was caused by the driver of the car. Hence Point No.1 is decided infavour of petitioners.

Point No.2

9) The petitioner submitted that the 1st and 2nd respondents are liable to pay compensation as the 1st respondent is the owner of the car and the same was insured with the 2nd respondent. The 2nd respondent submitted that the said car was hired by the deceased Raja @ Muniraja's worked company from the 1st respondent for transporting its worker to the company for employment. The 1st respondent is the owner of the said car. The said car was insured with the 2nd respondent and the petitioner was occupants in the car at the time of accident. The policy issued by the 2nd respondent is only an act policy. It is not a comprehensive policy. No premium was paid to the occupants of the car. ***The Hon'ble High Court of Madras in the Judgment of New India Insurance Company Limited Vs Krishnasamy as held that "when no premium was paid to the occupants of the car, the occupant of the car will not come under third party to the insurance and therefore the Hon'ble High Court declined to grant award and even declined to order pay and recovery"***. In this specific case also no premium was paid to the occupants of the car. The policy is only an Act policy not comprehensive policy and further the company in which the deceased was employed hired the car from the 1st respondent and therefore the deceased is not a third party to the insurance. Therefore there is a clear violation of policy. Hence the 2nd respondent is not liable to pay compensation to the petitioner. However the 1st respondent, being the owner of the car is liable to pay

compensation to the petitioners. Hence Point No.2 is partly decided infavour of the petitioners.

Point No.(3)

10) The Hon’ble Supreme Court of India in the Judgment of Sarla Varma and other Vs. Delhi Transport Corporation and another, reported in AIR 2009 Supreme Court 3104, was held that

> “Just compensation is adequate compensation which is fair and equitable, on the facts and circumstance of the case, to make good the loss suffered as a result of the wrong, as far as money can do so, by applying the well settled principles relating to award of compensation. It is not intended to be a bonanza, largesses or source of profit.”

11) The petitioners submitted that 1st petitioner's son sustained fatal injuries to his head and other vital organs and died on the spot in the accident which took place on 22.02.2016. Post mortem was conducted on the body of the 1st petitioner's son on 23.02.2016 which is evident from Ex.P-2 post mortem certificate. The PW-1 also deposed about the said fact in her testimony. The 1st petitioner's son has died on 22.02.2016 which is evident from Ex.P-2 post mortem certificate. On perusal of the Ex.P-2 post mortem certificate it is seen that the 1st petitioner's son died due to shock and hemorrhage, vital organs injury. Therefore, this court finds no infirmity in the Ex.P-2 post mortem certificate. The petitioners submitted that the 1st petitioner's son was employed

in M/s.Jinopiya Agri Private Co., Ltd., near Binnamangalam and was earning Rs.15,000/- per month. The PW-1 has deposed about the said facts in her testimony. But the petitioner did not produce any oral or documentary evidence to prove the above said averments. Therefore the notional income has to be fixed. ***The Hon'ble High Court of Madras in the Judgment of Aandal and two others Vs Avinav kannan and another reported in 2019 (1) TNMAC 54 (DB) as laid down, guidelines to fix the notional income following the Judgment of Hon'ble Apex Court in Syed Sadiq Vs United India Insurance Co Limited reported in 2014 (1) TNMAC 459. The Hon'ble Apex court fixed the monthly notional income at Rs.6500/- for a vegetable vendor who sustained injuries in the accident which occurred in the year 2008. In the Judgment stated supra. The Hon'ble High Court of Madras as held that "it is just a necessary to increase the notional income of Rs.6500 fixed by Hon'ble Apex Court during the year 2008 corresponding to the cost of living, prices of the essentials and inflation. Hence to determine the notional income of the deceased who was working as a daily wager in the year 2014 we decided to apply the cost of inflation index as issued by the central board of direct tax(CBDT) for the purpose of determination of the notional income of the deceased person".*** In this specific case the cost of inflation index for the financial year 254. Therefore the notional income fixed by the Hon'ble Supreme court of India of Rs.6500 during the year 2007-2008 into cost of inflation in the index for the year 2015-2016 divided cost of inflation index for the year 2007-2008. Therefore the notional income of the deceased is Rs.6500 x 254/129 =Rs.12,798/-. Therefore the notional income of the deceased is fixed at Rs.12,798/-. Further the petitioners submitted that the deceased is aged about 23 years at the time of accident as per the post mortem certificate of the deceased and his future prospects would be considered to be 40% of the income. Therefore the future prospects of the deceased would be Rs.12,798/- X 40% + Rs.12,798/- = Rs.17,917/-. The deceased could have retained 50% income towards his personal expenses as he is bachelor and therefore this will be certainly a loss of future income because of the death of the 1st petitioner's son. Considering the death of the 1st petitioner's son and following the principles laid down by the Hon'ble Supreme Court of India in Srimathi Sarala Varma and others Vs Delhi Transport Corporation and another reported in 2009 (2) TNMAC Page No. 1 (SC), the multiplier applicable to the 1st petitioner's son is 18. Therefore the loss of income worked out under the head of loss of income to the 1st petitioner's son is Rs.17,917/- x 12 x 18 x 50% = Rs.19,35,036/-

12) The petitioners has incurred loss due to death of the 1st petitioner's son. The 1st petitioner is the mother, 2nd petitioner is the father, 3rd petitioner is sister of the deceased. The aadhar card of the petitioners are marked as Ex.P-6, Ex.P-9 and Ex.P-12. Therefore Filial consortium of Rs.40,000/- to each totally Rs.80,000/-, Siblings consortium of Rs.40,000/-, Total consortium of Rs.1,20,000/-. Funeral expenses of Rs.15,000/- and Loss of Estate of Rs.15,000/- is awarded to the petitioners.

13) The 1st petitioner's son died due to shock and hemorrhage, vital organs injury and therefore he could have suffered pain and trauma after the accident and therefore under the head of pain, suffering and trauma, a sum of Rs.30,000/- is awarded.

14) The petitioner submitted that the accident took place at T.Soolakunta to Madakkal road near the Kempegoundan Dhoddi village and therefore the petitioners would have incurred transport expenses. Therefore, under the head of transport expenses a sum of Rs.10,000/- is awarded.

15) The compensation awarded under various heads is tabulated as follows:

Sl.No	Head of compensation	Apportionment of amount
1	Loss of income	Rs. 19,35,036/-
2	Filial Consortium	Rs. 80,000/-
3	Siblings Consortium	Rs. 40,000/-
4	Loss of Estate	Rs. 15,000/-
5	Funeral Expenses	Rs. 15,000/-
6	Pain and suffering and trauma	Rs. 30,000/-
7	Transport expenses	Rs. 10,000/-
	Total	Rs. 21,25,036/-

Therefore, the Point No.(3) is decided in favour of petitioners.

Point No.(4)

16) Considering the facts and circumstances of the case and for the reasons stated above, the petitioners are not entitled for any other relief.

17) In the result, the petition stands partly allowed with cost. The 1st

respondent is here by ordered to pay compensation of Rs.21,25,036/- together with interest at the rate of 7.5% per annum from 14.11.2017 till the date of realization to the petitioner. The 1st respondent shall deposit the compensation amount into the account No.36230251241, IFSC code SBIN0040155 of Additional District Judge (MACT), Hosur being maintained in State Bank of India, Main branch Hosur within a month. After depositing the compensation amount into the court, the 1st respondent shall inform the same to this court by filing memo. After the deposit of the entire compensation amount, the 1st petitioner and 2nd petitioners are each entitled for 40% share of the compensation amount and 3rd petitioner is entitled for 20% share of the compensation amount. The 1st to 3rd petitioners are entitled to withdraw their respective shares in the compensation amount. The said amount shall be transferred to the bank account of the 1st to 3rd petitioners through NEFT/RTGS by this court. The petition is dismissed against the 2nd and 3rd respondents.

The petitioners are directed to pay the deficit court fee Rs.20,248/- and the advocate fee is fixed at Rs.28,250/- as per rules.

Dictated to Typist directly typed by her in computer, corrected and pronounced by me in the open court this 07th day of August 2026.

SANTHOSH BASKAR

Digitally signed by SANTHOSH BASKAR

Motor Vehicle Accident Claims Tribunal Judge,
Additional District Judge, Hosur.

Annexure

Witness examined on the side of the petitioners :

PW-1	:	Tmt.Jothiammal
PW-2	:	Tr.Selvaraj

Documents marked on the side of the petitioners:

Ex.P-1	First Information Report	Xerox copy
Ex.P-2	Post mortem report	Xerox copy
Ex.P-3	Insurance Policy of Tata sumo car bearing Reg.No.KA 28 M 2627	Xerox copy
Ex.P-4	MVI report of Tata sumo car bearing Reg.No.KA 28 M 2627	Xerox Copy
Ex.P-5	Bank pass book of the 1st petitioner	Xerox copy
Ex.P-6	Aadhar card of the 1st petitioner	Xerox copy
Ex.P-7	Pan card of the 1st petitioner	Xerox copy
Ex.P-8	Bank pass book of the 2nd petitioner	Xerox copy
Ex.P-9	Aadhar card of the 2nd petitioner	Xerox copy
Ex.P-10	Pan card of the 2nd petitioner	Xerox copy
Ex.P-11	Bank pass book of the 3rd petitioner	Xerox copy
Ex.P-12	Aadhar card of the 3rd petitioner	Xerox copy
Ex.P-13	Pan card of the 3rd petitioner	Xerox copy
Ex.P-14	Legal heir certificate	Xerox copy

Witness examined on the side of the 2nd respondent :

RW-1	:	Tr.Ramachandra

Documents marked on the side of the 2nd respondent : Nil

Ex.R-1	Insurance Policy of Tata sumo car bearing Reg.No.KA 28 M 2627	Xerox copy

SANTHOSH BASKAR

Digitally signed by SANTHOSH BASKAR

Motor Vehicle Accident Claims Tribunal Judge,
Additional District Judge, Hosur.