

PYPY010052752023



IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL,
(PRINCIPAL DISTRICT COURT) AT PUDUCHERRY

PRESENT: THIRU. D. V. AANAND, M.A., B.L.,
PRESIDING OFFICER
MOTOR ACCIDENT CLAIMS TRIBUNAL
(PRINCIPAL DISTRICT JUDGE)

Thursday, the 13th day of August, 2026

M.A.C.T.O.P. No. 984 / 2023

1. Manju (33) W/o Manikandan
 2. Priyadharshini (12) (minor)
D/o Manikandan
 3. Premalatha (10) (minor)
D/o Manikandan
 4. Abinav Shalik (6) (minor) S/o Manikandan
- 2 to 4 are Minors Rep. by guardian, Next friend,
Manju, 1st petitioner herein)
5. Kuppaiyi (48) W/o Chinnapaiyan
 6. Chinnapaiyan (53) S/o Kuppan

All the petitioners are residing at No. 3/32, Main
Road, Nedumudaiyan, Vengur, Thirukovilur,
Villupuram.

...

Petitioners

Vs

1. Thangadurai S/o Annadurai
No. 3/13 Pillaiyar Koil Street , Melathalanur,
Keelathalanur, Villupuram.

2. The Branch Manager,
Sri Ram General Insurance Co Ltd.,
No. 27, 100 Feet Road, Ozhandai Keerapalaiyam,
Mudaliarpeta, Puducherry – 605 004.

... Respondents

Final Hearing 06.08.2026

Petitioner(s) Counsel(s) Tvl. K. Velavan, C. Ambika, A. Raja

1st Respondent Remained absent and set exparte

Counsel for 2nd Respondent Thiru. K. Ravikumar

AWARD

1. This petition has been filed U/s.166 (1) (c) claiming Compensation of Rs.75,00,000/- with interest for the death of one Manikandan S/o Chinnapaiyan in a road traffic accident which took place on 27.07.2023 at about 06.30 P.M. near Kanagananthai Vetrivel House, Thirukovilur to Nedumudaiyan Road.

Name of the deceased	Manikandan S/o Chinnapaiyan
Age	35 years
Occupation	Mason & Agriculture
Income	₹ 30,000/- per month
Date, time and place of accident	27.07.2023 at about 06.30 P.M. near Kanagananthai Vetrivel House, Thirukovilur to Nedumudaiyan Road.
Dependents	Wife, Children and parents
Compensation claimed	Rs.75,00,000/-

2. The Averments in petition in short as follows:-

2.1 The petitioners are the wife, minor children and parents of one Manikandan. On 27.07.2023 at about 06.30 p.m., while the said Manikandan was riding his motorcycle bearing Registration No. TN-32-AJ-3790 on the Thirukovilur–Nedumudaiyan Road near Kanagananthal, Vetrivel House, keeping to the extreme left side of the road, the lorry bearing Registration No. TN-49-AJ-5218, owned by the 1st respondent, came from the opposite direction at a high speed and in a rash and negligent manner and dashed against the motorcycle of Manikandan. As a result of the accident, the said Manikandan sustained multiple grievous injuries. He was immediately taken to the Government Hospital, Thirukovilur and thereafter referred to the Government Hospital, Mundiampakkam, where he succumbed to the injuries. At the time of the accident, the deceased was working as a Mason and also engaged in Agriculture and was earning a sum of Rs.30,000/- per month. Due to his sudden death, the petitioners have lost the love, affection, care, protection and financial support of the deceased.

2.2 A case in Crime No.495/2023 dated 27.07.2023 was registered by the Thirukovilur Police Station in respect of the accident. The accident occurred solely due to the rash and negligent driving of the driver of the lorry bearing Registration No. TN-49-AJ-5218. Since the accident took place due to the rash and negligent driving of the offending vehicle belonging to the 1st respondent, the 1st respondent, being the owner, and the 2nd respondent, being the insurer of the offending vehicle,

are jointly and severally liable to pay a compensation of ₹75,00,000/- to the petitioners.

3. The 1st respondent remained exparte, hence the 2nd respondent filed an application in IA No. 04/2026 u/s. 170 of Motor Vehicles Act to take all the defense that are available to the 1st respondent. The petition was allowed and the 2nd respondent was permitted to take all the defense that are available to the 1st respondent.

4. The counter filed by the 2nd respondent in short as follows:

The petition is not maintainable. The petition is liable to be dismissed. The averments in the petition are all false. The respondent states that neither the insured nor the registered owner have intimated about the accident. The deceased sustained injuries in other means and the petitioners falsely claimed that the deceased Manikandan injured in an accident involving the Lorry. It is false that the said accident was happened only due to rash and negligent driving of the 1st respondent's driver. The alleged accident occurred only the negligence of the deceased who riding the two wheeler. This claim petition has been filed with the connivance of the police officials. It is a false claim. The 1st respondent Lorry driver was not having valid insurance policy and does not have any permit. The 1st respondent's lorry driver does not have valid driving license at the time of accident. The compensation claimed is high and excessive. The interest claimed is also high and excessive. It is therefore prayed to dismiss the petition.

5. On the side of the petitioners PW1 and 2 were examined and Ex. P1 to P13 were marked. On the side of the respondents, 1st respondent's driver was examined as RW1 and no documents produced.

6. The Points for consideration:

1. Whether the accident took place due to the rash and negligent driving of the 1st respondent's driver?
2. Who is liable to pay compensation to the petitioners?
3. What is the quantum of compensation?

7. Point No.1:

7.1 The 1st petitioner was examined as PW1. She deposed in the same line as found in the petition averments. She admitted that she did not witness the accident and came to know about it through the 5th petitioner, who received information from Kanagavel and Duraivel. She also admitted that the driving licence of the deceased was lost and that no documents were produced to prove the income of the deceased. She denied the suggestion that the accident occurred due to the negligence of the deceased.

7.2 PW2-Kanagaraj, an eyewitness, deposed that the offending vehicle lorry came in a rash and negligent manner and dashed against the motorcycle ridden by the deceased. In cross-examination, he stated that the deceased moved towards the left side on noticing the lorry, but the lorry hit the motorcycle and ran over it. He denied the suggestion that he was deposing falsely at the instance of the petitioners.

7.3 RW1, the driver of the offending lorry, deposed that the deceased came at high speed and fell near the right rear wheel of the lorry and that the accident occurred due to the negligence of the deceased. He admitted that he possessed a valid driving licence and that the vehicle was insured. He denied negligence on his part. Though PW1 is not an eyewitness, the evidence of PW2 clearly establishes that the accident occurred due to the rash and negligent driving of the lorry driver. Except the interested testimony of RW1, no evidence has been produced to prove negligence on the part of the deceased. RW1 has stated that the road in which the accident took place was a curve road having “S” bend. It is quite natural for a two wheeler to lose control in negotiating the S bend. If the RW1 would have driven the lorry in a moderate speed he would have applied brake and averted the accident. RW1 was having the last chance to avoid the accident, which was not done by him. Hence, this Court accepts the evidence of PW2 and holds that the accident occurred solely due to the rash and negligent driving of the 1st respondent. Accordingly, Point No.1 is answered in favour of the petitioners.

8. Point No. 2

The 1st respondent vehicle is insured with the 2nd respondent. The registration certificate and Insurance policy is marked as Ex. P2 and P3. On perusal of the same, the insurance policy is valid upto 29.06.2024. The accident has taken place on 27.07.2023. No one was examined to show that there was any violation of policy

condition hence, the 2nd respondent is liable to pay compensation. The deceased was not having valid driving license at the time of accident. There is no evidence on record to show that the deceased was wearing helmet at the time of accident. This amounts to contributory negligence, the petitioners have to bear 10% of the compensation. This point is answered accordingly.

9. Point No. 3:

9.1 In order to get compensation the petitioners have to prove the age, income of the deceased. They have also to prove that the petitioners were depending upon the income of the deceased. The 1st petitioner is the wife, petitioners 2 to 4 are children and petitioners 5 and 6 are parents of the deceased. The petitioners are depending upon the income of the deceased.

9.3 The petitioners have claimed Rs.75,00,000/- with interest for the death of Manikandan. The petitioners are the wife, children and parents of the deceased. The Photocopies of aadhaar card of the petitioners have been marked as Ex.P9 to P13. As per claim petition the age of the deceased was 35 years. The learned counsel for the petitioners filed Ex.P6, the Post-mortem Report. On a perusal of Ex.P6, it is found that the age of deceased is 35 years. Hence, this Tribunal fixes the age of the deceased on the basis of the postmortem report. The petitioners failed to produce the driving license of the deceased to prove the date of birth of the deceased. The petitioners have withheld vital document. In the absence of any contra evidence this court has taken the age of the deceased as 35 years. Therefore, the multiplier

applicable would be 16 as *per Smt.Sarala Verma and others -vs- Delhi Transport Corporation and another reported in 2009(2) TNMAC 1 (SC)*.

9.4 The petitioners have stated that the deceased Manikandan was working as mason as well agriculture and earning ₹30,000/- per month. The petitioners did not file any document to show that the deceased was earning a sum of Rs.30,000/- per month. Except the interested testimony of PW1, there is no other document to prove the income of the deceased. The petitioners cannot be permitted to go empty-handed, since they have not produced any documents. As per the judgment of the *Hon'ble Supreme Court passed in Civil Appeal No.10278 of 2025 in Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari & Anr., dated 08.08.2025*, the Minimum Wages prescribed by the Government are to be followed. As per *G.O.Ms.No.09/AiL/LAB/G/2024, dated 02.09.2024*, the minimum wages prescribed for Mason is Rs.11,242/- (rounded off to Rs.12,000/-) is adopted. Since the age of the deceased is 35 years, the applicable multiplier is 16.

9.5 Since the deceased was self-employed and not a salaried person, an addition of 40% towards future prospects has to be made. As per the decision of the *Hon'ble Supreme Court in National Insurance Co. Ltd. v. Pranay Sethi and Others [(2017) 16 SCC 680]*, where the deceased was self-employed and below 40 years of age, 40% of the established income is to be added towards future prospects. Accordingly, 40% of the monthly income of ₹12,000/- comes to ₹4,800/-. Therefore,

the monthly income of the deceased, after adding 40% towards future prospects, is fixed at ₹16,800/-.

9.6 The petitioners are 6 in numbers. Hence, 1/4th is deducted towards the personal expenses of the deceased. Hence, deducting a sum of Rs.4,200/- towards personal expenses from Rs.18,600/- comes to Rs.12,600/- which is fixed as monthly income for accessing the compensation.

9.7. Now the claimants are entitled to compensation under various heads as follows:

Loss of Income:		Amount in (Rs.)
Salary per month:	12,000	
(+) Future prospects:40%	<u>4,800</u>	
Total	16,800	
(-) 1/4 personal expenses	<u>4,200</u>	
	<u>12,600</u>	
(12,600 x 12 x 16 = 24,19,200)		24,19,200
Less: 10% for contributory negligence		2,41,920
(Rs. 24,19,200 – 2,41,920) = ₹ 21,77,280		21,77,280
Loss of consortium 1 st petitioner		48,400
Love and affection petitioners (2 to 4)		1,45,200
Loss of Parental consortium (petitioners 5 and 6)		96,800
Funeral Expenses		18,150
Loss of Estate		18,150
Total		25,03,980

In the result, the M.A.C.T.O.P. No. 984/2023 is allowed in part. The 2nd respondent is directed to pay a sum of ₹25,03,980/- (Rupees Twenty Five Lakhs Three Thousand and Nine Hundred Eighty only) as compensation to the petitioners with interest at the rate of 7.5% per annum from the date of filing of this application 24.08.2023 till the date of realization in full, excluding the default period if any with proportionate interest and costs. The interest will not carry for default period if any. The compensation amount with accrued interest and costs shall be deposited by the 2nd respondent to the tribunal's A/c No. 6517883735 (V-Collect Code: PDC001) of Indian Bank, Mudaliarpur Branch, Puducherry through NEFT /RTGS mode within two months from the date of this order and intimate the same to tribunal with particulars deposit so made.

ii. Out of the total compensation, the 1st petitioner is entitled to ₹12,53,980/-. petitioners 2 to 4 are entitled to ₹2,50,000/-each. Petitioners 5 and 6 are entitled to ₹2,50,000/- each.

iii. On such deposit, the petitioners are permitted to withdraw their respective award amount on application. Such amount shall be transferred to petitioners' bank account through RTGS (or) NEFT.

iv. The share amount of minor petitioners are ordered to be deposited in any one of the Nationalized Banks till they attain majority. The 1st petitioner being the natural guardian is permitted to withdraw the accrued interest once in three months from the bank directly for the benefit of minors.

v. The Court Fee payable is ₹.24,412/-As the petitioners paid court fee of Rs.10/- alone, they shall pay the deficit court fee of ₹.24,402/- within a period of 15 days from today. The Advocate fee is fixed as ₹57,590/-.

Dictated directly to the Stenographer, typed by her directly in the computer, corrected and pronounced by me in open court on this the 13th day of August, 2026.

(D. V. AANAND)
MOTOR ACCIDENT CLAIMS TRIBUNAL
(PRINCIPAL DISTRICT JUDGE)
PUDUCHERRY

LIST OF PETITIONERS' WITNESSES:

PW1 25.07.2025 Manju
PW2 18.09.2025 Kanagaraj

LIST OF RESPONDENT'S WITNESSES:

RW1 04.06.2026 Manikandan

LIST OF PETITIONER'S EXHIBITS: Nil

Ex.P1	27.07.2023	Copy of FIR in Crime No.495/2023 of Thirukovilur Police Station
Ex.P2	01.08.2011	Copy of Registration Certificate (R.C. Book) of the offending vehicle
Ex.P3	30.06.2023	Copy of Insurance Policy relating to the offending vehicle
Ex.P4	24.08.2023	Copy of MV Report offending vehicle
Ex.P5	27.07.2023	Copy of Final report
Ex.P6	28.07.2023	Photocopy of Postmortem Examination Report of deceased
Ex.P7	14.09.2023	Photocopy of the legal heir certificate
Ex.P8		Photocopy of Aadhaar card of 1 st petitioner
Ex.P9		Photocopy of Aadhaar card of 2 nd petitioner

Ex.P10		Photocopy of Aadhaar card of 3 rd petitioner
Ex.P11		Photocopy of Aadhaar card of 4 th petitioner
Ex.P12		Photocopy of Aadhaar card of 5 th petitioner
Ex.P13		Photocopy of Aadhaar card of 6 th petitioner

LIST OF WITNESS EXHIBITS: Nil

MOTOR ACCIDENT CLAIMS TRIBUNAL
(PRINCIPAL DISTRICT JUDGE)
PUDUCHERRY

OTHER PARTICULARS

Date of filing of the petition	24.08.2023
Date of Award	13.08.2026
Amount Claimed under Compensation	Rs. 75,00,000/-
Amount Awarded as Compensation	Rs. 25,03,980/-
Total Court Fees	Rs. 24,412/-
The Court Fee already paid	Rs.10/-
Balance Court Fee to be paid	Rs.24,402/-

Costs List

Cost Particulars	Amount	
Stamp duty for Award Amount	Rs.	24,402.00
Vakalath	Rs.	1.50
Preparation of petition	Rs.	200.00
Preparation of Summon Batta Charges	Rs.	14.50
Advocate Fees	Rs.	27,590.00
TOTAL	Rs.	52,208.00
Rounded off	Rs.	57,057.00

MOTOR ACCIDENT CLAIMS TRIBUNAL
(PRINCIPAL DISTRICT JUDGE)
PUDUCHERRY

Fair Order in
MCOP No. 984/2023
Dt: 13.08.2026