



**IN THE COURT OF THE SPECIAL DISTRICT JUDGE  
SPECIAL DISTRICT COURT TO DEAL WITH MCOP CASES,  
TIRUPPUR**

**PRESENT : Thiru.D.BALU, M.A.,B.L.,**  
Special District Judge,  
Special District Court  
to Deal with MCOP Cases  
Tiruppur.

**Friday, the 17<sup>th</sup> day of July 2026**  
(Thiruvalluvarandu 2057 Sri Parabhava Varudam Aadi 01<sup>st</sup> Day)

**MCOP No.514/2022**

[CNR.No.TNTI200004662022]

**&**

**MCOP No.515/2022**

[CNR.No. TNTI200004522022]

|     |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Name and address of the claimants / Petitioners | 1. M.Sivakumar, S/o.Mahalingam, aged about 57 years,<br><br>2. S.Rani, W/o.Sivakumar, aged about 52 years,<br><br>both petitioners are residing at No.3/424, Osatti, Areapalayam, Sathyamangalam, Erode- 638 401.<br><br>3. P.Sridevi, W/o.Paramesh, aged about 22 years, residing at No.460, Osatti, Hassanur, Sathyamangalam, Erode – 638 401.<br><br>4. Minor.P.Kabilan, aged about 3 years, D/o.Paramesh, Rep by his Natural |
|-----|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



|     |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                     | <p>Guardian Mother P.Sridevi, residing at No.3/424, Osatti, Areapalayam, Sathyamangalam, Erode- 638 401.</p> <p>The petitioners are now residing at No.45/6A, Kumaran street, Pichaipalayam, Tiruppur District.</p> <p><b>(Petitioners in MCOP No.514/2022)</b></p> <p>M.Ramalingam, S/o.Murthy, aged about 28 years, residing at No.3/296, Kottadai, Sathyamangalam, Erode – 638 401</p> <p><b>(Petitioner in MCOP No.515/2022)</b></p>                                              |
| (b) | Name and address of the respondents | <p>1. S.Saravanel, S/o.Selvaraj, residing at No.5/374-1, Annanagar, Alathucombai, Sathyamangalam, Erode – 638 401.</p> <p>2. P.Ajithkumar, S/o.Palanisamy, residing at No.70, Kuthanur road, Rangasamuthiram, Sathyamangalam, Erode – 638 042.</p> <p>3. The Branch Manager, Reliance General Insurance Co., Ltd., Dhanums Towers, 1<sup>st</sup> floor No.1, Binny main road, Park road street, Tiruppur – 641 601.</p> <p><b>(Respondents in MCOP No.514/2022 and 515/2022)</b></p> |



|     |                                                                                                                                 |                                                                                                                                                                |              |
|-----|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| (c) | Name and address of the Insurance company                                                                                       | : The Branch Manager, Reliance General Insurance Co., Ltd., Dhanums Towers, 1 <sup>st</sup> floor No.1, Binny main road, Park road street, Tiruppur – 641 601. |              |
| (d) | Name and address of the Transport Corporation or such other respondents who are held liable to pay                              | : Not Applicable                                                                                                                                               |              |
| (e) | Date of filing of the claim petitions                                                                                           | : 18.03.2022                                                                                                                                                   |              |
| (f) | Date of award                                                                                                                   | : 17.07.2026                                                                                                                                                   |              |
| (g) | Amount of award                                                                                                                 | : ₹. 56,79,668 in MCOP. No.514/2022<br>&<br>₹. 14,86,619 in MCOP No.515/2022                                                                                   |              |
| (h) | Interest rate applicable                                                                                                        | : 7.5% per annum                                                                                                                                               |              |
| (i) | Date (s) from which interest is payable                                                                                         | : 18.03.2022                                                                                                                                                   |              |
| (j) | Costs, if any (MCOP.No.514/2022)                                                                                                | Stamp on petition                                                                                                                                              | ₹. 20.00     |
|     |                                                                                                                                 | Stamp on Vakalath                                                                                                                                              | ₹. 5.00      |
|     |                                                                                                                                 | Court fee                                                                                                                                                      | ₹. 56169.00  |
|     |                                                                                                                                 | Advocate fee                                                                                                                                                   | ₹. 63797.00  |
|     |                                                                                                                                 | Total                                                                                                                                                          | ₹. 119991.00 |
|     | Costs, if any (MCOP.No.515/2022)                                                                                                | Stamp on petition                                                                                                                                              | ₹. 20.00     |
|     |                                                                                                                                 | Stamp on Vakalath                                                                                                                                              | ₹. 5.00      |
|     |                                                                                                                                 | Court fee                                                                                                                                                      | ₹. 14239.00  |
|     |                                                                                                                                 | Advocate fee                                                                                                                                                   | ₹. 21866.00  |
|     |                                                                                                                                 | Total                                                                                                                                                          | ₹. 36130.00  |
| (k) | In cases where the compensation, interests and costs are directed to be paid proportionately, the award should also specify who | The 3 <sup>rd</sup> Respondent is directed to pay the award amount of ₹ 56,79,668 in MCOP No. 514/2022 and ₹ 14,86,619 in MCOP No. 515/2022, together with     |              |



|     |                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | shall pay which portion of award, interest and costs.                                                          | interest at the rate of 7.5% per annum from the date of presentation of the petitions until the date of realization, along with costs. The 3 <sup>rd</sup> respondent / Insurance company shall recover the award amount including interest and costs from the 2 <sup>nd</sup> respondent / owner of the offending vehicle.                                                                                                                                                                                                                                                                            |
| (l) | In cases where there are several claimants, the shares and amounts payable to each of them shall be specified. | <p><b>In MCOP.No.514/2022</b>, the petitioners 1 and 2/ Father and mother of the deceased shall be entitled to <b>₹10,00,000</b> each, the 3<sup>rd</sup> petitioner/ wife of the deceased shall be entitled to <b>₹20,79,668</b> and the 4<sup>th</sup> petitioner/ minor son of the deceased shall be entitled to <b>₹16,00,000</b> from the said award with proportionate interest and cost.</p> <p><b>In MCOP.No.515/2022</b>, The petitioner shall be entitled to <b>₹14,86,619</b> with proportionate interest and cost.</p>                                                                     |
| (m) | The mode and manner of disbursement.                                                                           | The 3 <sup>rd</sup> Respondent is directed to transfer the award amounts in both petitions, along with the applicable interest and cost excluding the advocate's fee, to the bank accounts of the petitioners 1 to 3 in MCOP.No.514/2022 and the petitioner in 515/2022 directly through NEFT/RTGS mode mode within 15 days from the receipt of intimation regarding the payment of court fees. Intimate the fact of such transfers immediately to this court( <a href="mailto:claimtransferalert.spldjmcoptpr@gmail.com">claimtransferalert.spldjmcoptpr@gmail.com</a> ) and to the counsel on record |



|  |  |                                                                                                                                                        |                      |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
|  |  | for the petitioners as detailed below:                                                                                                                 |                      |
|  |  | <b>MCOP.No.514/2022</b>                                                                                                                                |                      |
|  |  | Name of the 1 <sup>st</sup> Petitioner                                                                                                                 | M.Sivakumar          |
|  |  | S.B.Account Number                                                                                                                                     | 110278663856         |
|  |  | Name of the Bank                                                                                                                                       | Canara Bank          |
|  |  | IFSC Code                                                                                                                                              | CNRB0008175          |
|  |  |                                                                                                                                                        |                      |
|  |  | Name of the 2 <sup>nd</sup> Petitioner                                                                                                                 | S.Rani               |
|  |  | S.B.Account Number                                                                                                                                     | 110278706077         |
|  |  | Name of the Bank                                                                                                                                       | Canara Bank          |
|  |  | IFSC Code                                                                                                                                              | CNRB0008175          |
|  |  |                                                                                                                                                        |                      |
|  |  | Name of the 3 <sup>rd</sup> Petitioner                                                                                                                 | P.Sridevi            |
|  |  | S.B.Account Number                                                                                                                                     | 110278639360         |
|  |  | Name of the Bank                                                                                                                                       | Canara Bank          |
|  |  | IFSC Code                                                                                                                                              | CNRB0008175          |
|  |  | <b>MCOP.No.515/2022</b>                                                                                                                                |                      |
|  |  | Name of the 3 <sup>rd</sup> Petitioner                                                                                                                 | Ramalingam           |
|  |  | S.B.Account Number                                                                                                                                     | 009501000137604      |
|  |  | Name of the Bank                                                                                                                                       | Indian Overseas Bank |
|  |  | IFSC Code                                                                                                                                              | IOBA0000095          |
|  |  | In MCOP.No.514/2022, the 3 <sup>rd</sup> Respondent is directed to deposit the award amount of ₹16,00,000 apportioned in favour of the 4 <sup>th</sup> |                      |



|     |                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                                                   | <p>petitioner, together with interest thereon at the rate of 7.5% per annum from the date of presentation of the claim petition till the date of realization, along with proportionate costs, within 30 days from the date of this order of the petition till the date of realization, with costs, within 30 days from the date of order to the credit of the account of Special District Court to deal with MCOP Cases, Tiruppur, State Bank of India, VAN Collection No. SMACT2MCOP5142022, IFSC Code No.SBIN0004266 directly by NEFT/RTGS Mode and to file Bank payment advice into this Court. The award amount apportioned to the minor 4<sup>th</sup> petitioner shall be deposited in a fixed deposited in any one of the nationalized bank until he attains majority. The mother/ guardian of the minor 4<sup>th</sup> petitioner is entitled to withdraw the interest once in 3 months.</p> |
| (n) | Period of default to which the petitioners are not entitled for interest, if any. | <b>NIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| (p) | Balance of Court fee                                                              | <p>The petitioners in <b>MCOP.Nos.514/2022 and 515/2022</b> shall pay the court fees of ₹ 56,169 and ₹ 14,239 respectively within 15 days from the date of this common award and shall intimate the fact of such payment forthwith to the 3<sup>rd</sup> Respondent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



1. M.Sivakumar
  2. S.Rani
  3. P.Sridevi
  4. Minor.P.Kabilan Rep by his Natural Guardian Mother P.Sridevi
- ... Petitioners in MCOP No.514/2022

Ramalingam ... Petitioner in MCOP No.515/2022

**// Versus //**

1. S.Saravanel
  2. P.Ajithkumar
  3. The Branch Manager, Reliance General Insurance Co., Ltd., ...
- Respondents in MCOP.No.514/2022  
and 515/2022

|                           |                                              |
|---------------------------|----------------------------------------------|
| The Case originally filed | In the Court of the EMACT Judge of Tiruppur. |
| Date of taken on file     | 21.04.2022                                   |

Counsel of Petitioners in

MCOP.Nos.514/2022 and 515/2022 : Tr.V.Mohan

Counsel of 3<sup>rd</sup> Respondent in

MCOP.Nos.514/2022 and 515/2022 : Tmt.M.Mallika

Respondents 1 and 2 in both petitions : Exparte



These petitions came up for final hearing on 04.07.2026 upon hearing both sides and perusing the materials available on record, this Court delivered the following :-

### **COMMON AWARD**

Both these petitions have been filed under Section 166(1) of Motor Vehicles Act seeking a compensation of ₹.75,00,000 and ₹.35,00,000 respectively.

[The petitions in MCOP.Nos.514/2022 and 515/2022 are tried jointly since they arise from the same road accident on 14.02.2022 and evidence for both the petitions are recorded in MCOP No.514/2022. Hence, this common award]

### **02. The summary of the petitioners case in MCOP Nos.514/2022 and 515/2022 are as follows ;**

On 14.02.2022 at 9.50 p.m. the deceased Paramesh in connection with MCOP.No.514/2022 and the petitioner Ramalingam in MCOP.No.515/2022 were travelling in a Pulsar bike bearing Registration No.TN 36 AQ 2016 at Sathyamangalam to Coimbatore road, Malligai Nagar, Near from south to north direction by much observing traffic rules and regulations. At that time, the 1<sup>st</sup> respondent driver the Pick van bearing Registration No.TN 36 AM 9387 in the above said road and from north to south direction with rash Hi speed and negligent manner and without observing any traffic rules and



regulations and dashed behind the deceased vehicle and caused the accident. As a result of this accident, the petitioner in MCOP No. 515/2022 sustained grievous injuries, and Paramesh, connected with MCOP No. 514/2022, sustained fatal injuries.

03. At the time of the accident, the deceased Paramesh in M.C.O.P. No.514 of 2022 was 29 years old and was employed as a Q.C. Supervisor at SCM Garments, Avinashi, allegedly earning ₹50,000 per month. The petitioner in M.C.O.P. No.515 of 2022 was 28 years old and was employed as a Supervisor at SCM Garments, Avinashi, allegedly earning ₹25,000 per month. The respondents 1 to 3 are the driver, owner and insurance of the offending vehicle and they are jointly and severally liable to pay a sum of ₹.75,00,000 and ₹.35,00,000 as compensations to the respective petitioners.

**04. The summary of the 3<sup>rd</sup> Respondent's case in MCOP Nos. 514/2022 and 515/2022 are as follows:**

The above petitions are not maintainable either in law or on facts. The nature of the accident as alleged in the petitions is false. The driver of the vehicle insured with this respondent did not possess a valid driving license at the time of the accident, which constitutes a breach of policy conditions. The alleged accident occurred solely due to the negligent riding of the two-wheeler by its rider. Therefore, this respondent is in no way liable to pay any compensation



to the petitioners. Hence, the claim petitions are liable to be dismissed with costs.

05. In the Inquiry, on the side of the petitioner PW1 to PW3 were examined and documents Ex.P1 to Ex.P19 were exhibited. Disability Certificate issued by Medical Board is exhibited as Ex.C1. On the side of the 3<sup>rd</sup> respondent / insurance company RW1 and RW2 were examined and documents Ex.R1 to R6 were exhibited. Exhibits X1 to X5 were marked through witnesses.

#### **06. Common Points of Findings :-**

The common points for findings in these claim petitions are formulated as follows:

|   |                                                                                                                                                                                                           |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Whether the accident occurred as alleged by the petitioners, resulting in fatal injuries to the deceased Paramesh in connection with MCOP.No.514/2022 and injuries to the petitioner in MCOP.No.515/2022? |
| 2 | Whether the petitioners of the both petitions are, entitled to compensation from the respondents as claimed?                                                                                              |
| 3 | What is the appropriate amount of compensation to be awarded to the petitioners in MCOP No.514/2022?                                                                                                      |
| 4 | What is the appropriate amount of compensation to be awarded to the petitioner in MCOP No.515/2022?                                                                                                       |

07. Evidence on record, as well as the arguments submitted by the learned counsels for both sides, has been considered.

**08. Findings No. 1:**

The claim petitions are filed under Section 166 of the Motor Vehicles Act. The claimants must establish before this Court that the accident was caused by the rash and negligent driving of the 1<sup>st</sup> respondent/driver of the 2<sup>nd</sup> respondent, resulting in injuries to the petitioner in MCOP.No.515/2022 and fatal injuries to the deceased Paramesh in connection with the MCOP.No.514/2022, on the touchstone of preponderance of probability, as held by the Hon'ble Supreme Court in *Sajeena Ikhbal & Ors. v. Mini Babu George & Ors., 2024 LiveLaw (SC) 810*. As such, strict proof is not required and in the absence of rebuttal evidence, the Tribunal's finding of negligence cannot be deemed perverse or a case of no evidence, as held by the Hon'ble Division Bench of the High Court of Madras in *United India Insurance Co. Ltd. v. Krishnaveni & Ors., 2016 (1) TN MAC 563 (DB)*, which affirmed that proceedings before the Claims Tribunal are summary and require only a preponderance of probability regarding the manner of the accident.

09. The 1<sup>st</sup> petitioner in MCOP.No.514/2022 and the petitioner in MCOP.No.515/2022 are examined as PW1 and PW2. They narrated the manner of the accident in detail. Ex.P1, the copy of the FIR, reveals that a criminal case was registered against the 1st respondent/driver of the 2<sup>nd</sup> respondent for rash and negligent driving resulting in injuries to the petitioner



in MCOP.No.515/2022 and fatal injuries to the deceased Paramesh in connection with the MCOP.No.514/2022. Even after investigation, the police found fault with the 1st respondent and filed the final report before the criminal court against him. A copy of the final report has been produced as Ex.P3. The filing of a final report in a criminal case against the 1st respondent/ the driver of the vehicle, is a prima facie indication of his culpability in driving the vehicle in a rash and negligent manner as settled by the Hon'ble Supreme Court of India in ***Mangla Ram v. The Oriental Insurance Co. Ltd. & Others***, reported in (2018) 5 SCC 656.

10. Evidence on record clearly establishes that the alleged vehicle belongs to the 2nd Respondent and was insured with the 3rd Respondent at the time of the accident. While so, the driver and owner, namely respondents 1 and 2, did not come forward to appear before this Court and contest the claim petition and remained exparte. As such, the 3<sup>rd</sup> respondent, being the insurer, failed to examine the driver of the insured vehicle or any other eyewitness to rebut the evidence of the petitioners. Under the above circumstances, upon analyzing the available evidence on record, this Court comes to the conclusion that the rash and negligent driving of the driver of the insured vehicle caused the accident, and thereby the fatal injuries to the deceased Paramesh in connection with MCOP.Nos.514/2022 and injuries to the petitioner in MCOP.No.515/2022.

**11. Findings No. 2:-**

The question of the respondents' liability now needs to be determined. It has already been established that the accident was caused by the rash and negligent driving of the 1st respondent, which resulted in injuries to the petitioner in MCOP.No.515/2022 and fatal injuries to the deceased Paramesh in connection with MCOP.No.514/2022. As such, it must now be considered whether the petitioners of both petitions are entitled to the compensation as claimed from the respondents. Evidence on record clearly establishes that the offending vehicle belongs to the 2nd Respondent and was insured with the 3rd Respondent at the time of the accident.

12. The case of the 3<sup>rd</sup> respondent/Insurance Company is that there was a breach of the policy conditions, inasmuch as the driver of the offending vehicle was not holding a valid and effective driving license as on the date of the accident. As such, the driver and owner, namely respondents 1 and 2, did not come forward before this Court to contest the claim on merits and remained exparte. On considering the evidence of RW1 and documents exhibited through him this Court is constrained to draw an inference that the 1<sup>st</sup> respondent/driver of the offending vehicle was not possessing a valid and effective driving license on the date of the accident, thereby constituting a breach of the policy conditions. However, there is no evidence to show that the said breach relating



to the driving license was so fundamental as to have contributed to the cause of the accident.

13. It is well settled by the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Swaran Singh & Others* reported in (2004) 3 SCC 297, and reiterated in *Pappu v. Vinod Kumar Lamba* reported in (2018) 3 SCC 208, that mere absence of a valid driving license does not absolve the insurer of its statutory liability towards third parties. In such circumstances, the insurer is liable to satisfy the award in favour of the claimant and thereafter recover the same from the owner of the vehicle. Accordingly, the 3<sup>rd</sup> respondent/Insurance Company is directed to pay the compensation amount to the petitioner at the first instance and recover the same from the 2<sup>nd</sup> respondent/owner, in accordance with law.

**14. Findings No. 3 (MCOP No.514/2022):-**

The amount of compensation to be awarded to the petitioners in this petition now needs to be considered. As per the available evidence, it is established that the petitioners are the father, mother, wife and son of the deceased Paramesh, and they are the legal heirs of the deceased. Ex.P9, a copy of the Aadhaar card of the deceased, reveals that he was born in 1992 and was 29 years old on the date of the accident. Further, the petitioners claimed that the deceased Paramesh was working as Q.C. Supervisor at SCM Garments and he had earned ₹.50,000 per month. PW3, the ESI and PF Junior Supervisor of SCM



Garments Pvt. Ltd., Avinashi, deposed that the deceased, Paramesh, was working as a Fabric Supervisor on the date of the accident. The salary slips of the deceased for five months were marked as Ex.X3 series. The deceased died on 14.02.2022. The salary slip for the period from 27.12.2021 to 26.01.2022 shows that his gross monthly salary was ₹25,540. Therefore, this Court fixes the monthly income of the deceased at ₹25,540 for the purpose of calculating the loss of dependency.

15. The deceased was not a permanent employee and was below the age of 40 years. Therefore, this court has decided to include 40% future prospects, which will be added to his income, as per the guidelines set by the Hon'ble Supreme Court of India. in the case of *National Insurance Company Limited Versus Pranay Sethi & Others* reported in *2017 (2) TNMAC 609 (SC)*. Accordingly, the monthly income of the deceased Paramesh at the time of the accident was ₹ 35,756 (₹ 25,540 + ₹10,216 (40%) = ₹35,756). Thus, the annual income of the deceased is ₹4,29,072 (₹ 35756 x 12). The deceased was married, the deduction towards personal and living expenses of the deceased, should be one-fourth (1/4th) since the number of dependant family members is 4 to 6, as per the guidelines on the Hon'ble Supreme Court of India in the case of *Sarla Verma & Others Versus Delhi Transport Corporation & Another* reported in *2009 (2) TNMAC 1 (SC)*. Accordingly, his annual income is ₹ 3,21,804 (₹4,29,072 - ₹1,07,268 (1/4th) = ₹3,21,804).



16. While being so, to calculate the loss of dependency, this court decided to apply the multiplier of 17 since the deceased comes within the age group of 26 to 30 years as per the law rendered by the Hon'ble Supreme Court of India in the case of aforementioned Judgment in the case of ***Sarla Verma & Others Versus Delhi Transport Corporation & Another***. Accordingly, the loss of dependency on account of the death of the deceased is calculated as (₹  $321804 \times 17 = ₹ 54,70,668.$ )

17. The petitioners are also entitled to additional compensation under conventional and traditional heads for loss of estate, loss of consortium, and funeral expenses, which should be ₹15,000/-, ₹40,000/-, and ₹15,000/-, respectively, as per the law laid down by the Hon'ble Supreme Court of India in the case of ***National Insurance Company Limited Versus Pranay Sethi & Others***. The law was established on 31-10-2017 by the Hon'ble Supreme Court, and as per the above judgment, the aforesaid amounts should be enhanced at the rate of 10% every three years. In this case the accident was occurred on 14.02.2022 and as such 10% amounts to be enhanced on conventional heads. Having fully considered the above, this Court decides to calculate and apportion the compensation to be awarded to the petitioners as follows.

**18. Apportionment of Compensation:-**

| Sl.No | CATEGORIES OF COMPENSATION                                                                                                                                                                                                                                                                                                                                                      | APPORTIONED AMOUNT |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1.    | loss of monetary benefits [loss of dependency] 17 x ₹ 321804                                                                                                                                                                                                                                                                                                                    | ₹54,70,668         |
| 2.    | Loss of estate                                                                                                                                                                                                                                                                                                                                                                  | ₹.16,500           |
| 3.    | Funeral expenses                                                                                                                                                                                                                                                                                                                                                                | ₹.16,500           |
| 4.    | <b><u>Loss of consortium</u></b><br><br>(a) Filial consortium<br><br>₹ 44,000 each to the Petitioners 1 and 2 /parents of the deceased<br><br>(₹ 44000x2 =88000)<br><br>(b) Spouse consortium<br><br>₹ 44,000 to the 3 <sup>rd</sup> petitioner/wife of the deceased<br><br>(c) Parental consortium<br><br>₹ 44,000 to the 4 <sup>th</sup> petitioner/Minor son of the deceased | ₹.1,76,000         |
|       | <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                    | <b>₹ 56,79,668</b> |

On the basis of the evidence on the record in this petition, it is decided to award a total of ₹56,79,668 as appropriate compensation for the death of deceased Paramesh and to award the same with 7.5% interest for the remaining period, excluding any default period, from the date of the petition until the amount is collected. The petitioners 1 and 2/ Father and mother of the deceased shall be entitled to ₹.10,00,000 each, the 3<sup>rd</sup> petitioner/ wife of the



deceased shall be entitled to ₹.20,79,668 and the 4<sup>th</sup> petitioner/ minor son of the deceased shall be entitled to ₹.16,00,000 from the said award. The Court also concludes that the said compensation is just and appropriate.

**19. Findings No. 4 (MCOP No.515/2022) :-**

Finally, the amount of compensation to be awarded to the petitioner for the injuries sustained in the accident is to be calculated. As per his medical records, he sustained injuries in the accident, as detailed below:

1. Head injury with scalp contusion
2. Type IIIB open comminuted fracture right
3. Right Both bone leg with distal femur fracture
4. Right Patella fracture
5. Right foot closed fracture proximal phalanx of 4<sup>th</sup> toe

The petitioner was treated as an inpatient from 15.02.2022 to 08.03.2022 at Dr.Muthus Hospital, Coimbatore. Ex.P13, the discharge summary, disclosed that conservative treatment of head injury, wound debridement, LRS fixation, closed reduction, K wire fixation, Medical gastrocnemius flap cover right knee.

20. The petitioner was physically examined by the Medical Board, which assessed his physical and functional disability at 66% each. The disability certificate has been marked as Ex.C1. The Hon'ble Supreme Court of India has laid down the methods and guidelines for awarding compensation to



persons injured in motor vehicle accidents through the following Judgments:

**1. In the case of *Raj Kumar Versus Ajay Kumar & Another* reported in 2010 (2) TN MAC 581**

**2. In the case of *Sandeep Khanuja Versus Atul Dande & Another* reported in 2017 (1) TNMAC 410**

The guidance of the Hon'ble Supreme Court of India in the above case ***Raj Kumar Versus Ajay Kumar & Another*** in paragraphs 5, 6, and 8 is to be applied in this. They are as follows:

“5. The heads under which compensation is awarded in personal injury cases are the following:

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability.

(iii) Future medical expenses.

Non-pecuniary damages (General damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life. Assessment of pecuniary damages under item (i) and under item (ii)(a) do not pose much difficulty as they involve reimbursement of actuals



and are easily ascertainable from the evidence. Award under the head of future medical expenses—item (iii)—depends upon specific medical evidence regarding need for further treatment and cost thereof. Assessment of non-pecuniary damages—items (iv), (v) and (vi) — involves determination of lump sum amounts with reference to circumstances such as age, nature of injury/deprivation/disability suffered by the claimant and the effect thereof on the future life of the claimant. Decision of this Court and High Courts contain necessary guidelines for award under these heads, if necessary. What usually poses some difficulty is the assessment of the loss of future earnings on account of permanent disability —ite (ii) (a). We are concerned with that assessment in this case.

Assessment of future loss of earnings due to permanent disability”

“6. Disability refers to any restriction or lack of ability to perform an activity in the manner considered normal for a human-being. Permanent disability refers to the residuary incapacity or loss of use of some part of the body, found existing at the end of the period of treatment and recuperation, after achieving the maximum bodily improvement or recovery which is likely to remain for the remainder life of the injured. Temporary disability refers to the incapacity or loss of use of some part of the body on account of the injury, which will cease to exist at the end of the period of treatment and recuperation. Permanent disability can be either partial or total. Partial permanent disability refers to a person’s inability to perform all the duties and bodily functions that he could perform before the accident, though he is able to perform some of them and is still able to engage in some gainful activity. Total permanent disability refers to a person’s inability to perform any avocation or employment related activities as a result of the accident. The permanent disabilities that may arise from motor accidents injuries, are of a much wider range when compared to the physical disabilities which are enumerated in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (‘Disabilities Act’ for short). But if any of the disabilities enumerated in Section 2(i) of the Disabilities Act are the result of injuries sustained in a motor accident, they can be permanent disabilities for the purpose of claiming compensation”

“ 8. Where the claimant suffers a permanent disability as a



result of injuries, the assessment of compensation under the head of loss of future earnings, would depend upon the effect and impact of such permanent disability on his earning capacity. The Tribunal should not mechanically apply the percentage of permanent disability as the percentage of economic loss or loss of earning capacity. In most of the cases, the percentage of economic loss, that is, percentage of loss of earning capacity, arising from a permanent disability will be different from the percentage of permanent disability. Some Tribunals wrongly assume that in all cases, a particular extent (percentage) of permanent disability would result in a corresponding loss of earning capacity, and consequently, if the evidence produced show 45% as the permanent disability, will hold that there is 45% loss of future earning capacity. In most of the cases, equating the extent (percentage) of loss of earning capacity to the extent (percentage) of permanent disability will result in award of either too low or too high a compensation. What requires to be assessed by the Tribunal is the effect of the permanently disability on the earning capacity of the injured; and after assessing the loss of earning capacity in terms of a percentage of the income, it has to be quantified in terms of money, to arrive at the future loss of earnings (by applying the standard multiplier method used to determine loss of dependency). We may however note that in some cases, on appreciation of evidence and assessment, the Tribunal may find that percentage of loss of earning capacity as a result of the permanent disability, is approximately the same as the percentage of permanent disability in which case, of course, the Tribunal will adopt the said percentage for determination of compensation”

21. Further, the Hon’ble Supreme Court of India summarized the principles in Paragraph No. 13 of the aforementioned in the above case of ***Raj Kumar Versus Ajay Kumar & Another*** that, all the disabilities arising from injuries, do not result in loss of earning capacity. The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the



percentage of loss of earning capacity is not the same as the percentage of permanent disability except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability. Further, the medical board which examined the claimants, subsequently to assess the extent of his extend of the disability can give evidence only in regard the extent of extend of disability, either permanent or partial permanent. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety. The same disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors. There is no material available in Ex. C1 (Disability Certificate) to show that the above factors were considered by the Medical Board while issuing the disability certificate. Therefore, based on the above law, this Court concludes that the assessment of functional disability by the medical board is not to be treated as the percentage of loss of earning capacity as claimed by the petitioner. Instead, the loss of earning capacity is to be determined based on the evidence on record in its entirety.

22. Further, the Hon'ble Supreme Court of India laid down in Paragraph 12 of the above Judgment in the case of *Sandeep Khanuja Versus Atul Dande & Another* as follows:



“12. We may observe at the outset that it is now a settled principle, repeatedly stated and restated time and again by this Court, that in awarding compensation the multiplier method is logically sound and legally well established. This method, known as 'principle of multiplier', has been evolved to quantify the loss of income as a result of death or permanent disability suffered in an accident. ”

23. As per the evidence of PW3 who is the ESI and PF Junior Supervisor of SCM Garments Pvt. Ltd., Avinashi, reveals that, the petitioner was working as a A.Q.L. Supervisor at the time of his death. The medical board has determined that the petitioner has suffered a physical and functional disability of 66% due to the injuries sustained in the accident. Based on the guidelines laid down in the aforementioned judgments of the Hon'ble Supreme Court of India, this Court has carefully considered the evidence on record, including the petitioner's occupation, age, and the difficulties faced due to the injuries sustained in the accident. The PW3 deposed that the petitioner was resigned his job after the accident. However, considering the medical records, the nature of the injuries, and Ex.C1 Disability Certificate, it is evident that the petitioner has suffered functional disability only to a certain extent, and the same has affected his earning capacity only to a limited degree. After considering the entire evidence on record and all the relevant factors, this Court assesses the functional disability resulting in the loss of earning capacity at 15%.



24. Therefore, this Court has decided to calculate the petitioner's future loss of income using the Multiplier method. Ex.P17, a copy of the Aadhar card of the petitioner, reveals that he was born on 17.09.1993 and was 28 years old on the date of the accident. While being so, to calculate the loss of future income of the petitioner, this court decided to apply the multiplier of 17 since the petitioner comes within the age group of 26 to 30 years, as per the law rendered by the Hon'ble Supreme Court of India in the case of *Sarla Verma & Others Versus Delhi Transport Corporation & Another* reported in *2009 AIR(SC) 3104*.

25. The last salary slip of the petitioner, prior to the accident, was produced by PW3 as part of Ex.X4 series. On perusal of the same, it is seen that the deceased's gross monthly salary was ₹22,380. Accordingly, the said amount is taken as his monthly income for the purpose of calculating the loss of income. The petitioner was not a permanent employee and was below the age of 40 years at the time of the accident. Therefore, this court has decided to include 40% future prospects, which will be added to his income, as per the guidelines set by the Hon'ble Supreme Court of India. in the case of *National Insurance Company Limited Versus Pranay Sethi & Others* reported in *2017 (2) TNMAC 609 (SC)*. So, his total monthly income is ₹31,332 (₹22,380 + ₹8,952 (40%) = ₹31,332). Thus, the annual income of the petitioner is



₹3,75,984 (₹31332 x 12). As such the loss of future income due to his functional disability is ₹3,75,984 x 17 x 15/100 = ₹.9,58,759.

26. Considering the above and the injuries caused to the petitioner in the accident, the suffering caused by it, his age, occupation, and income, it is necessary to give compensation to the petitioner in the following categories based on the guidelines of the above judgments given by the Hon'ble Supreme Court of India in this petition.

### **27. Pecuniary damages**

- (i) Loss of future income due to the functional disability suffered by the petitioner
- (ii) Expenses relating to treatment, hospitalization and medicines as per Ex.P14.
- (iii) Transportation expenses
- (iv) Expenditure on nourishment.
- (v) Expenses incurred on attender
- (vi) Damage to clothes

### **2) Non Pecuniary Damages**

- (i) Pain and suffering
- (ii) Loss of amenities



28. This Court also decides to calculate the compensation to be paid to the petitioner for the above categories and apportion it to the respective categories as follows.

**29. Apportionment of Compensation:-**

| Sl.No | CATEGORIES OF COMPENSATION                                                                                                | APPORTIONED AMOUND |
|-------|---------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1     | Loss of future income due to the functional disability suffered by the petitioner<br>[₹3,75,984 x17 x15/100 = ₹.9,58,759] | ₹ 9,58,759         |
| 2     | For the pain and suffering caused to the petitioner                                                                       | ₹20,000            |
| 3     | For the loss of amenities suffered by the petitioner                                                                      | ₹20,000            |
| 4     | For medical expenses incurred by the petitioner<br>(Amount as per the Ex.P14)                                             | ₹4,27,860          |
| 5     | For transportation expenses incurred by the petitioner                                                                    | ₹10,000            |
| 6     | For nourishment expenses of the petitioner                                                                                | ₹25,000            |
| 7     | For the expenses incurred by the petitioner in retaining his attender.                                                    | ₹20,000            |
| 8     | For damages to the petitioner's clothes                                                                                   | ₹5,000             |
|       | <b>Total</b>                                                                                                              | <b>₹14,86,619</b>  |

On the basis of the evidence and medical documents in this petition, it is decided to award a total of **₹14,86,619** as appropriate compensation for the injuries sustained by the petitioner and to award the same with 7.5% interest for the remaining period, excluding any default period, from the date of the



petition until the amount is collected. The Court also concludes that the said compensation is just and appropriate.

30. This Court has decided to disburse the award amount to the petitioners 1 to 3 in MCOP.No.514/2022 and the petitioner in MCOP.No.515/2022 in accordance with the guidelines laid down by the Hon'ble Supreme Court of India in *Parminder Singh v. Honey Goyal & Others*, reported in *2025 (2) CTC 652*. Further, the learned counsel for the petitioners of both petitions submitted that the deceased Paramesh was the sole breadwinner of the family and that, upon his death, the family faced severe financial hardship. Further the petitioner Ramalingam requires further treatment. Accordingly, they requested that the entire award amount be disbursed without requiring any deposit. After considering this request, as well as the evidence on record, this Court is of the view that the award amount shall be disbursed in full, as prayed by the learned counsel for the petitioners 1 to 3 in MCOP.No.514/2022 and the petitioner in MCOP.No.515/2022. Upon considering the above, this Court is concludes that the petitioners 1 to 3 in MCOP.No.514/2022 and the petitioner in MCOP.No.515/2022 are entitled to withdraw the entire award amount immediately upon its transfer.



In the result, these petitions are accordingly allowed in part with costs, on the following terms:-

(i) In MCOP.No.514/2022, the 3<sup>rd</sup> Respondent is hereby directed to transfer the award amount of ₹56,79,668, with interest thereon at the rate of 7.5% per annum from the date of filing of the claim petition until the date of transfer, and with costs, excluding the Advocate's fee, to the credit of Petitioners 1 to 3, in respect of their respective shares as detailed below, by way of NEFT/RTGS, within 15 days from the date of receipt of intimation regarding payment of the requisite court fee by Petitioners.

| S.No | Name of the Petitioners 1 to 3 | Account Deatails   |              | Amount to be transferred |
|------|--------------------------------|--------------------|--------------|--------------------------|
| 1    | Sivakumar                      | S.B.Account Number | 110278663856 | ₹. 10,00,000             |
|      |                                | Name of the Bank   | Canara Bank  |                          |
|      |                                | IFSC Code          | CNRB0008175  |                          |
| 2    | S.Rani                         | S.B.Account Number | 110278706077 | ₹. 10,00,000             |
|      |                                | Name of the Bank   | Canara Bank  |                          |
|      |                                | IFSC Code          | CNRB0008175  |                          |
| 3    | P.Sridevi                      | S.B.Account Number | 110278639360 | ₹.20,79,668              |
|      |                                | Name of the Bank   | Canara Bank  |                          |
|      |                                | IFSC Code          | CNRB0008175  |                          |

(ii) The 3<sup>rd</sup> Respondent is directed to deposit the award amount of ₹16,00,000 apportioned in favour of the 4<sup>th</sup> petitioner, together with interest thereon at the rate of 7.5% per annum from the date of presentation of the claim petition till the date of realization, along with proportionate costs, within 30 days from the date of this order of the petition till the date of realization, with costs, within 30 days from the date of order to the credit of the account of **Special District Court to deal with MCOP Cases, Tiruppur, State Bank of India, VAN Collection No. SMACT2MCOP5142022, IFSC Code No.SBIN0004266 directly by NEFT/RTGS Mode** and to file Bank payment advice into this Court. The award amount apportioned to the minor 4<sup>th</sup> petitioner shall be deposited in a fixed deposited in any one of the nationalized bank until he attains majority. The mother/ guardian of the minor 4<sup>th</sup> petitioner is entitled to withdraw the interest once in 3 months.



(iii) In MCOP.No.515/2022, the 3<sup>rd</sup> respondent is hereby directed to deposit the award amount of ₹14,86,619, together with interest thereon at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization, and with costs excluding the Advocate's fee to the credit of the Petitioner's ₹ Savings Bank Account No.009501000137604, IFSC Code IOBA0000095 maintained with the Indian Overseas Bank, directly through NEFT/RTGS mode, within 15 days from the date of receipt of intimation regarding payment of the requisite court fee by the Petitioner.

(iv) The 3<sup>rd</sup> respondent / Insurance company shall recover the award amount including interest and costs from the 2<sup>nd</sup> respondent / owner of the offending vehicle.

(v) The petitioners in MCOP.Nos.514/2022 and 515/2022 shall pay the court fees of ₹ 56,169 and ₹ 14,239 respectively within 15 days from the date of this common award and shall intimate the fact of such payment forthwith to the 3<sup>rd</sup> Respondent.

(vi) The 3<sup>rd</sup> Respondent is hereby directed to transfer the Advocate's fee of ₹ 63,797 in MCOP.No.514/2022 and ₹ 21,866 in MCOP.No.515/2022 within 15 days from the date of payment of court fee, to the credit of the Petitioners' counsel, Thiru.V.Mohan, Savings Bank Account No. 916020082097541, IFSC Code UTIB0000210 maintained with the Axis Bank, Tiruppur directly through NEFT/RTGS mode

(vii) The 3<sup>rd</sup> Respondent is hereby directed to intimate the fact of transfers of award and advocate fee immediately to this court ([claimtransferalert.spldjmcoptpr@gmail.com](mailto:claimtransferalert.spldjmcoptpr@gmail.com)) and to the counsel on record for the Petitioners.

(viii) Following the judgment of the Hon'ble High Court of Madras in *M/s.Cholamandalam MS General Insurance Co Ltd., Vs. Ayyanar & others* reported in 2020 (4) CTC 272, no decree is prepared. All the parties are entitled to free copies of the award as per Section 168 (2) of the MV Act and Rules 20 (6) of the Rules.



Dictated to the Steno-Typist, typed by her directly into the computer, corrected, printed out and pronounced by me in Open Court on this the 17<sup>th</sup> day of July 2026.

**Special District Judge,  
Special District Court to deal with MCOP Cases,  
Tiruppur.**

**Petitioners' side Witness :**

| No. of Witnesses | Name of the Witnesses         |
|------------------|-------------------------------|
| PW1              | P.Sridevi(MCOP.No.514/2022)   |
| PW2              | Ramalingam (MCOP.No.515/2022) |
| PW3              | Karthik                       |

**Petitioners' side exhibits :**

| Ex. No | Date       | Details                                                       |
|--------|------------|---------------------------------------------------------------|
| Ex-P1  | 14.02.2022 | Copy of FIR                                                   |
| Ex-P2  | -          | Copy of Alteration report                                     |
| Ex-P3  | -          | Copy of final report                                          |
| Ex-P4  |            | Copy of MVI report (TN 36 AM 9387)                            |
| Ex-P5  | -          | Copy of Insurance Policy                                      |
| Ex-P6  | -          | Copy of Postmortem certificate (MCOP.No.514/2022)             |
| Ex-P7  | -          | Copy of death certificate of Paramesh(MCOP.No.514/2022)       |
| Ex-P8  | -          | Copy of Legal heir certificate of Paramesh (MCOP.No.514/2022) |
| Ex-P9  | -          | Copy of deceased's Aadhar card (MCOP.No.514/2022)             |
| Ex-P10 | -          | Salary slips of Paramesh(MCOP.No.514/2022)                    |



|        |   |                                                                              |
|--------|---|------------------------------------------------------------------------------|
| Ex-P11 | - | Copy of PW1's Aadhar card(MCOP.No.514/2022)                                  |
| Ex-P12 | - | Copy of wound certificate of Ramalingam (MCOP.No.515/2022)                   |
| Ex-P13 | - | Discharge summary issued by Dr.Muthus Hospital, Coimbatore(MCOP.No.515/2022) |
| Ex-P14 | - | Medical bills of Ramalingam(MCOP.No.515/2022)                                |
| Ex-P15 | - | Salary slips of Ramalingam(MCOP.No.515/2022)                                 |
| Ex-P16 | - | I.D.card of Ramalingam(MCOP.No.515/2022)                                     |
| Ex-P17 | - | Copy of PW2's Aadhar card(MCOP.No.515/2022)                                  |
| Ex-P18 | - | Copy of Bank statement of deceased Paramesh(MCOP.No.514/2022)                |
| Ex-P19 | - | Copy of Bank statement of Ramalingam(MCOP.No.515/2022)                       |

**3<sup>rd</sup> Respondent side witnesses :**

| No. of Witnesses | Name of the Witnesses |
|------------------|-----------------------|
| RW1              | Ramar                 |

**3<sup>rd</sup> Respondent side Exhibits :**

| Ex. No | Details                                                                           |
|--------|-----------------------------------------------------------------------------------|
| Ex-R1  | Copy of Insurance Policy                                                          |
| Ex-R2  | Copy of MVI report (TN 36 AM 9387)                                                |
| Ex-R3  | Legal notice sent by 3 <sup>rd</sup> respondent to the 1 <sup>st</sup> respondent |
| Ex-R4  | Returned postal cover                                                             |
| Ex-R5  | Legal notice sent by 3 <sup>rd</sup> respondent to the 2 <sup>nd</sup> respondent |
| Ex-R6  | Acknowledgment card of 2 <sup>nd</sup> respondent                                 |

**Witnesses side Exhibits :**

| Ex. No | Details                                 |
|--------|-----------------------------------------|
| Ex-X1  | Authorization Letter of PW3             |
| Ex-X2  | Salary certificate of deceased Paramesh |
| Ex-X3  | Salary slips of deceased Paramesh       |
| Ex-X4  | Salary slips of Ramalingam              |
| Ex-X5  | Salary certificate of Ramalingam        |

**Court side documents :**

| Ex. No | Details                                                                                        |
|--------|------------------------------------------------------------------------------------------------|
| Ex-C1  | Disability Certificate issued by Medical Board, Tiruppur to the petitioner in MCOP.No.515/2021 |

**Special District Judge,  
Special District Court to deal with MCOP Cases,  
Tiruppur.**

**Fair/Draft Common Order in MCOP  
Nos.514/2022 and 515/2022 Dated:  
17.07.2026**