

BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
CHENNAI

(In the IV Court of Small Causes, Chennai)

Present: Tmt.M.Arundhadhi, B.A. B.L.,

IV Judge

Tuesday, the 14th day of July 2026

M.C.O.P. 4681 of 2023

CNR No.TNCH09-008594-2023

1. Sekhar,
W/o.N.Manikya Reddy,
2. Pavithra,
S/o.N.Sekhar,
3. Yuvaraj(Minor),
Rep.by his father as N.G., & N.F.,
S/o.N.Sekhar,

All are residing at
Temporary Address:
No.37, Rajangam Mathiyaveedhi Theru,
Kumaran Colony, Saligramam,
Vadapalani, Chennai – 600 0026.

Permanent Address:
No.No.5-04, Nindra Village,
Nindra Mandalam, Chittoor District – 517 591.

....Petitioner

-Vs-

1. C.Venkateswaralu,
S/o.Subramaniam,
No.3/7, S.T.Colony, Bairajulakhandriga – Kova,
K.V.S.Puram, Chittoor District – 517 643.
2. National Insurance Company Limited.,
TP Cell – Hub, No.66, Greams Road,
Chennai – 600 006.

....Respondents

This petition is came up before me for final hearing on 10.04.2026 in the presence of M/s.N.Manoharan, C.Balaji, E.Gnanapanditha, Counsels appearing for the Petitioner, 1st respondent remained exparte and M/s.S.Vadivel, S.K.Subathra, Counsels appearing for the 2nd respondent upon hearing the arguments on both sides and upon perusing the entire records of the case, having stood over for consideration till this date, this Tribunal pronounces the following:-

ORDER

1. This petition has been filed under Section 166 of the Motor Vehicles Act, Rule 3 of the M.A.C.T., rules, by the dependents of the deceased Vasanthamma, who sustained fatal injuries in a motor accident seeking for compensation of **Rs.36,00,000/-**.

2. The averments made in the petition are briefly as follows:-

The case of the petitioners are that on 30.01.2023 at about 04.30 p.m., while the deceased Vasanthamma was a pillion rider in the Motorcycle bearing Registration No. TN 20-CP-5270 proceeding in Srikalahasti-KVB blacktop, near Ramapuram Village, at that time the a Motorcycle bearing Registration No. AP 39-GZ-8845 in a rash and negligent manner hit against the two-wheeler in which deceased was travelling & courted the accident. In the said accident deceased sustained fatal injury. She was taken to Government Hospital, Srikalahasti for treatment and shifted to MGM Hospital, Srikalahasti and for further treatment Sree Ramadevi Multi Super Specialty Hospital, Tirupathi, she succumbed to death on 04.02.2023, while she was under treatment. The accident occurred due to rash and negligent riding by the rider of the two-wheeler bearing Reg.No. AP 39-GZ-8845 and prays to allow the petition.

3. First respondent called absent and set exparte.

4. The averments made in the counter filed by the 2nd respondent are briefly as follows:-

(i) The 2nd respondent denies the age, income and occupation of the deceased. Further denies that the accident occurred due to the negligence of the 1st respondent's motorcycle rider and denies the manner of accident.

(ii) Further submits that the claim petition filed before this Hon'ble Forum is not maintainable for want of jurisdiction, for the reasons accident has occurred in Tirupathi District, Case was registered by Inspector of police, Tirupathi District, all the petitioners residing at Chittoor District, 1st respondent residing at Chittoor District, and the policy issued office for the Motorcycle is the Division office of National Insurance Company. Hence the claim petition is to be dismissed for want of territorial jurisdiction.

(iii) The respondent submits that the accident was not occurred due to rash and negligence of the rider of the 1st respondent's motorcycle only due to negligence of rider of the deceased travelled Two wheeler, the accident occurred.

(iv) Further denies the nature of injury, period of treatment and medical expenses of the petitioner and alleges that the claim is excessive and therefore prayed to dismiss the petition.

(v) Further, this respondent claim that the claim amount is highly excessive and he reserves his rights to file additional counter at a later stage and prayed to dismiss the petition.

5. The point for consideration in this petition are as follows:-

- (1) Whether this tribunal has territorial jurisdiction to entertain and decide the claim petition?
- (2) Whether this accident has occurred due to the rash and negligent riding of the rider of the motorcycle bearing Reg.No.AP 39-GZ-8845 2?
- (3) Whether the 2nd respondent is not liable to indemnify the 1st respondent for policy violation?
- (4) Who is liable to pay the compensation?
- (5) Whether the Petitioner is entitled to compensation? And if so, what is the quantum?

6. ON THE POINTS:

(i) On the side of the petitioner, PW1 Sekhar, PW2 Babu examined and Ex.P1 to P21 were marked.

(ii) 1st respondent remained exparte. The 2nd respondent filed a petition u/s 170 MV Act in M.P.3/2026 viz. Order dated 01.04.2026, the same was allowed and the 2nd respondent is permitted to contest the case on all grounds that are available to the insured. On the side of 2nd respondent, RW1 Yuva Kishore, Senior Assistant in District Transport Office, Tirupati examined on oath and RW2 Meenakshi, Deputy Manager of 2nd respondent insurance company examined on proof affidavit and Ex.R1 to R5 were marked.

(iii) Based on the above materials the Learned Counsel for the petitioner and 2nd respondent submitted their arguments. After hearing both sides and perusing material records and after giving careful consideration to the submission made on either side, the above points are answered as below.

7. Point No.1 :

(i) The 2nd respondent has contended that the tribunal lacks territorial jurisdiction as the accident occurred outside the state, that the petitioner is not a resident within the jurisdiction of this tribunal, and the owner of the offending vehicle is also outside its territorial jurisdiction.

(ii) On the other hand, the petitioner has claimed that he was working as an Construction coolie at K.K.Nagar, Chennai on the date of accident. So this claim petition is well within the jurisdiction of this tribunal. Though the petitioner stated that, he is working as an Construction coolie in Chennai, but no documents were filed or any other materials have been produced to establish that he was residing or caring on employment at Chennai. It is pertinent to note that, R2/Insurance company address is well located within the jurisdiction of this tribunal. The Hon'ble Apex Court in Malati Sardar .vs. National Insurance company limited, has held that a claim petition can be filed where the insurance company has its business, and hyper technical

approaches should be avoided. The court emphasized that territorial jurisdiction under Motor vehicle act is a procedural aspect and not a jurisdictional defect, that the presence of Insurance Company's office within the tribunals jurisdiction could confer jurisdiction, there is no prejudice for the any party and there is no failure of justice. As per the above judgment, the tribunal comes to the conclusion that the place of business of the insurance company/contesting 2nd respondent is located well within the jurisdiction of this tribunal and the claim is maintainable. Hence Point.No.1 answered in favour of petitioner.

8. Point No.2 :

(i) The case of the petitioners are that on 30.01.2023 at about 04.30 p.m., while the deceased Vasanthamma was a pillion rider in the Motorcycle bearing Registration No. TN 20-CP-5270 proceeding in Srikalahasti-KVB blacktop, near Ramapuram Village, at that time the a Motorcycle bearing Registration No. AP 39-GZ-8845 in a rash and negligent manner hit against the two-wheeler in which deceased was travelling & courted the accident. Hence stated that rider of the motorcycle bearing Reg.No. AP 39-GZ-8845 negligently caused the accident.

(ii) First respondent called absent and set exparte. Second respondent filed the counter stating that the rider of the two-wheeler bearing Reg.No AP 39-GZ-8845 driven the two-wheeler in a slow & caution manner it is the rider of the deceased travelled Two wheeler bearing Reg.No. TN 20-CP-5270 who rode his two-wheeler in a hastily manner without following the traffic rules and courted the accident. The accident is not due to rash and negligent driving by the rider of the offending vehicle, so the 2nd respondent is not liable to pay compensation. Hence petition is to be dismissed.

(iii) On the side of the petitioner, PW1 Sekhar, PW2 Babu examined and Ex.P1 to P21 were marked. On the side of 2nd respondent, RW1 Yuva Kishore, Senior Assistant in District Transport Office, Tirupati examined on oath and RW2 Meenakshi, Deputy Manager of 2nd respondent insurance company examined on

proof affidavit and Ex.R1 to R5 were marked and 2nd respondent filed petition u/s 170 MV act and allowed by this Tribunal. On perusal of Ex.P1 FIR, Ex.P2 Alteration Report & Ex.P5 Final Report, it clearly reveals that criminal prosecution was lodged against the rider of the motorcycle bearing Reg.No. AP 39-GZ-8845 in Crime No.14/2023 dated 01.02.2023 u/s. 279, 304(A) IPC. The respondent not let in any contra evidence to disprove the negligent act of 1st respondent. The 1st respondent also remained exparte. Hence this Tribunal felt that the petitioner proved the negligent act of the rider of the motorcycle bearing Reg.No. AP 39-GZ-8845 through oral and documentary evidence. Hence Point No.2 is answered accordingly.

9. Point No.3:

(i) In point No.1, it has been decided that the accident was occurred due to the rash and negligent riding of the rider of the motorcycle bearing Reg.No.AP 39-GZ-8845.

(ii) In the claim petition, the petitioner has mentioned that the 1st respondent has been insured with the 2nd respondent under policy No.552200312010002403, which was valid for the period from 03.12.2020 to 02.12.2025. The date of the accident is 30.01.2023. The petitioner has stated that the 1st respondent is the owner as per Ex.P10 Registration certificate and 2nd respondent is the insurer as per Ex.P9 Insurance policy filed for the motorcycle bearing Reg.No.AP 39-GZ-8845. Therefore, it is considered that the First respondent's motorcycle bearing Reg.No. AP 39-GZ-8845 had a valid insurance policy issued by the 2nd respondent at the time of accident. Hence, this Tribunal comes to the conclusion that the 2nd respondent being the insurer of the motorcycle bearing Reg.No. AP 39-GZ-8845 is liable to pay the compensation to the petitioner. Accordingly point No.2 is answered.

10. Point No.4:

The 2nd respondent insurance company contended that the rider of the offending vehicle does not possessed the valid driving licence to drive the Two wheeler at the time of accident. Thereby, its a clear violation of policy condition and

the 2nd respondent is not liable to indemnify the 1st respondent. In support of its contention, RW1 RTO Tirupathi examined, through Ex.R1 to R3 were marked. Ex.R3 is the Extract of Driving Licence of the rider of the offending vehicle. A perusal of it, it is noted that the rider possessed LMV licence, but he has not obtained Two wheeler licence. Admittedly, LMV does not by itself authorise the holder to drive motorcycle with or without gear. Therefore, from the available records, it is clear that the rider of the offending vehicle is not duly licenced to drive the offending two wheeler on the date of accident. This amounts to breach of policy condition and 2nd respondent is not liable to indemnify the 1st respondent for breach of policy condition. However, as per guidelines laid down by the Hon'ble Apex court in Swaran Singh's Case, the petitioner being the 3rd party victim the 2nd respondent insurance company is directed to pay the compensation amount to the petitioner at the first instance and same to be recovered from the owner of the offending vehicle namely Two wheeler bearing Registration No. AP 39-GZ-8845. Hence Point No. 3 answered accordingly.

11. Point No.5:

(i) The petitioner filed Ex.P1 FIR, Ex.P4 Postmortem certificate, Ex.P6 Death Certificate. In Ex.P4 Postmortem certificate, it was mentioned that deceased died due to head injury. From the above documents, the petitioners have proved that the deceased died due to the accident. In the petition, it has been stated that the 1st petitioner is the Husband of the deceased, 2nd petitioner is daughter of deceased and 3rd petitioner is the son of the deceased. Ex.P7 copy of Legal Heir Certificate has also proved the same. Hence, it is proved that the petitioners are the legal heirs of the deceased and they are entitled to the compensation. As per Ex.P11 Aadhar card of the deceased Vasanthamma the DOB is mentioned as 12.06.1982. Considering the same the age of the deceased is taken as 41 as on the date of accident (i.e., 30.01.2023).

(ii) As per the judgment in Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr, The age of the deceased is decided as 41 years as per Ex.P11 Aadhar card and hence this Tribunal decides the age of the deceased as 41 years.

Monthly & Annual Income of the deceased:

In the petition, it has been stated at the time of the accident, the deceased Working as Coolie in Construction Work and earning Rs.30,000/- per month at the time of accident. To prove the same, no documents filed. The age of the deceased is 41 years. Hence considering the age of the deceased and year of the accident, this Tribunal decides to award Rs.17,500/- per month as notional income. Accordingly Rs.17,500/- is fixed as notional monthly income of the deceased.

As per the Judgment of Hon'ble Apex court passed in *SLP (civil) 25590/2014 Dated 31.10.17 between National Ins. Co. Ltd., ..Vs.. Pranay Sethi and others* the future prospects to be added. As per the direction of the above decision, 25% future prospects would be added and it will come to a sum of Rs.12,650/- ($17,500 + 4,375 = 21,875$). Thus, the annual income of the deceased fixed as **Rs.2,62,500/-** ($21,875 \times 12$).

Number of Dependents:

From Ex.P7 legal heir certificate, it is found that 1st petitioner is the husband of the deceased, 2nd petitioner is the daughter of the deceased & 3rd petitioner is the son of the deceased are the legal heirs and they are the dependent of the deceased at the time of accident. Therefore, the number of the dependents are 3 in this case.

Loss of dependency per annum:

As per judgment in Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. (2009) 4 MLJ (SC) 997, $1/3^{\text{th}}$ has to be deducted as the personal and living expenses of the deceased, since there are 3 dependents. Therefore, $1/3^{\text{th}}$ amount Rs.87,500/- to be deducted. Hence, the balance (Rs.2,62,500 – Rs.87,500/-) **Rs.1,75,000/-** is considered to be the contribution to the dependent family per annum.

Multiplier and total loss of dependency:

So far as multiplier is concerned, as per the Judgment in Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. (2009) 4 MLJ (SC) 997, the multiplier will be 14, since the age of the deceased was 41 at the time of death. Therefore, the

total loss of dependency would be **Rs.24,50,000/-** (Rs.1,75,000 x 14).

Loss of Consortium:

As per the Judgment of Honourable Apex court in New India Assurance company vs Somwati in Civil appeal No:3093/2020 dated 7-9-2020, it has been decided that no compensation can be granted under the head of Love and affection and the dependents of the family are only entitled for the compensation under the head of spousal consortium, parental consortium, filial consortium. As per the Judgment of Hon'ble Apex court passed in SLP (civil) 25590/2014 Dated 31.10.17 between National Ins. Co. Ltd., ..Vs.. Pranay Sethi and others, the petitioners 1 to 3 are entitled for **Rs.44,000/-** each towards loss of consortium.

Loss of Estate:

Following the Judgment of Hon'ble Apex court passed in SLP (civil) 25590/2014 Dated 31.10.17 between National Ins. Co. Ltd., ..Vs.. Pranay Sethi and others, the Petitioners are entitled to **Rs.16,500/-** under the head of "**Loss of Estate**".

Loss of Domestic Care:

Following the Judgment of the Hon'ble Apex Court in Shishu Pal .vs. Surjeet **Rs.30,000/-** is awarded towards loss of Domestic Care.

Funeral Expenses:

Following the Judgment of Hon'ble Apex court passed in SLP (civil) 25590/2014 Dated 31.10.17 between National Ins. Co. Ltd., ..Vs.. Pranay Sethi and others, the Petitioners are entitled to **Rs.16,500/-** under the head of "**Funeral expenses**".

Transport Charges:

The petitioners might spend an amount for transporting the body of the deceased to their home. Hence, this Tribunal considering the place of accident and the residence of the deceased to award **Rs.10,000/-** will be just compensation under the head of Transport Charges.

CALCULATION:

1. Total loss of dependency	:	Rs. 24,50,000/-
2. Loss of Consortium	:	Rs. 1,32,000/-
3. Loss of Estate	:	Rs. 16,500/-
4. Loss of Domestic Care	:	Rs. 30,000/-
5. Funeral Expenses	:	Rs. 16,500/-
6. Transport charges	:	Rs. 10,000/-

Total Compensation is fixed at	:	<u>Rs. 26,55,000/-</u>

From the above-said discussions, this tribunal comes to the conclusion that a total sum of Rs.26,55,000/- would be just and fair compensation to the Petitioners 1 to 3.

12. In the result, this petition is partly allowed and a sum of **Rs.26,55,000/- (Rupees twenty six lakhs fifty five thousand only)** is awarded as just compensation to the Petitioners with cost and interest at the rate of 7.5 percent per annum from the date of filing of the Claim Petition i.e., 21.07.2023 till the realization, payable by the 2nd Respondent and the 2nd respondent is ordered to recover the same from the 1st respondent according to law. The 1st petitioner husband of the deceased is entitled to Rs.8,55,000/- and the 2 & 3 petitioners are entitled for Rs.8,55,000/- each. The 2nd respondent is directed to deposit the said amount to the credit of the bank account of this claim tribunal directly by NEFT OR RTGS mode within a period of two months from this order, and intimate the said deposit details to this tribunal with a copy of the said Bank advise. Thereafter, the said amount shall be made directly to the credit of the petitioners 1 & 2 bank account. The 3rd petitioner share amount being the minor will be deposited in the bank till he attains majority.

This Tribunal Account particulars:

Registrar (MACT), Court of Small Causes, Chennai

Account No. 7103261207

IFSC No. IDIB000M157

Indian Bank, Madras High Court Branch, Chennai.

E-mail ID. chnccc.sccrc-tn@indiancourts.nic.in

The Petitioner's Bank A/c, Aadhaar and Pan card details are given below: The 1st Petitioner name is – Sekhar

Bank name and Branch	Account No. and IFSC code	Adhaar card details	Pan card details
Bank of Baroda, EC Street Branch	Acc : 052060100026099 IFSC: BARB0ECSTRE	2918 1633 1661	TLSPS9782R

The Petitioner's Bank A/c, Aadhaar and Pan card details are given below: The 2nd Petitioner name is – Pavithra

Bank name and Branch	Account No. and IFSC code	Adhaar card details	Pan card details
Saptagiri Grameena Bank	Acc : 50066173102 IFSC: SAGB0050077	6196 9874 5577	IOIPP9429E

The petitioner has paid a sum of **Rs.375/-** towards Court fee. As per this award, the Court fee is **Rs.25,922.50/-**. The Advocate fee is fixed at **Rs.33,550/-**. The deficit court fee of **Rs.25,547.50/-** shall be paid by the petitioner within 2 weeks from the date of order.

Other necessary particulars:

Date of Presentation of petition	21.07.2023
Date of taken up on file	20.09.2023
Compensation claimed in the M.C.O.P.	Rs.36,00,000/-
Compensation awarded in this petition	Rs.26,55,000/-
Court fee paid along with the petition	Rs.375/-
Court fee payable on the award amount	Rs.25,922.50/-
Additional court fee shall be paid	Rs.25,547.50/-

Additional court fee paid, MPSR.No.....dated
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That the 2nd respondent do pay to the petitioner a sum of **Rs.59,517.50/-** towards the costs of this petition.

Cost List for the petitioner

<u>STATEMENT OF COSTS</u>						
<u>For the petitioners</u>					<u>For the Respondents</u>	
		<u>Rs.</u>		<u>P.</u>	<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	25,922	.	50		
Stamp on Vakalat	-	5	.	00		
Stamp for process	-	40	.	00	-- not filed --	
Advocate fees		33,550	.	00		
Costs allowed	-	59,517	.	50		

The direction regarding copy of the Judgment and decretal order prepared under Sub rule 6 of Rule 20 of TNMAC Rules 1989 and Hon'ble Madras High Court's communication in R.O.C.No.390-A/2014/F1 dated 13.02.2014 are obediently followed and further it is informed that, as per the direction of the Honourable High Court, as far as this claim Petition is concerned, Decree is not drafted separately and in the award, instead of drafting the decree, necessary details have been incorporated in this claim Petition's order.

This order has been dictated by me to the typist, typed by him in the computer directly, corrected and pronounced by me in the open Court, on this Tuesday, the 14th day of July 2026.

**Motor Accident Claims Tribunal,
IV Judge
Court of Small Causes
Chennai**

Petitioner's sides Witness:

P.W.1: Mr.Sekhar

P.W.2: Mr.Babu

Petitioner's side Exhibits:

Ex.P-1 : FIR Copy Xerox

Ex.P-2 : Alteration FIR Copy

Ex.P-3 : Motor vehicle report Registration No. AP 39-GZ-8845

Ex.P-4 : Post Mortem Certificate Xerox

Ex.P-5 : Charge Sheet

Ex.P-6 : Death Certificate

Ex.P-7 : Family Member Certificate Xerox

Ex.P-8 : Medical Bills for Rs.1,37,324

Ex.P-9 : Insurance policy of Motorcycle bearing Registration No. AP 39-GZ-8845

Ex.P-10 : R.C.Book Motorcycle bearing Registration No. AP 39-GZ-8845

Ex.P-11 : Deceased Aadhaar card xerox

Ex.P-12 : 1st petitioner Aadhaar Card Xerox

Ex.P-13 : 1st petitioner Pan Card Xerox

Ex.P-14 : 1st petitioner Bank Passbook Xerox

Ex.P-15 : 2nd petitioner Aadhaar Card Xerox

Ex.P-16 : 2nd petitioner Pan card Xerox

Ex.P-17 : 2nd petitioner Bank Passbook Xerox

Ex.P-18 : 3rd petitioner Aadhaar Card Xerox

Ex.P-19 : 3rd petitioner Pan Card Xerox

Ex.P-20 : 3rd petitioner Bank Passbook Xerox

Ex.P-21 : PW2 Aadhaar card xerox

Respondent's side Witnesses :

R.W.1: Mr. Yuva Kishore

R.W.2: Mr.Meenakshi

Respondent's side Exhibits :

Ex.R-1 : Authorisation Letter Transport Department

Ex.R-2 : MV report of Motorcycle bearing Registration No. AP 39-GZ-8845

Ex.R-3 : Extract of Driving Licence

Ex.R-4 : Authorisation Letter from Insurance Company

Ex.R-5 : Policy with Terms and conditions

**Motor Accident Claims Tribunal,
IV Judge
Court of Small Causes
Chennai**