

IN THE COURT OF THE V JUDGE, COURT OF SMALL CAUSES,
CHENNAI

(MOTOR ACCIDENTS CLAIMS TRIBUNAL)

PRESENT: Tmt. M. SHAKKIRA BANU, M.A.M.L.,MHR.,PGDHRM.,PGDIPR.,DLLAL.,

V Judge

Friday, this the 17th day of July 2026

MCOP No.967/2025

CNR No.TNCH09-000511-2025

1.K. Vijayalakshmi,
aged about 24 years
W/o.Kamala Kannan,

2.K. Naveena Sri (minor),
aged about 4 months,
D/o. Kamala Kannan,

3. E. Nagappan,
aged about 61 years,
S/o. Ellappan.

All are residing at,
No.23, NGO nagar, Saravampakkam,
Chithamur,
Chengalpattu - 603 313.

...Petitioners

Vs.

The Managing Director,
Metropolitan Transport Corporation,
Anna salai, Chennai - 600 002.

...Respondent

This petition came up on **06.07.2026** for final hearing before me in the presence of **Mr. K. Srinivasan** Counsel for the petitioners and **Mr. K.B. Sathishkumar** Counsel for the respondent and upon hearing both sides and on

perusing the case records and having stood over for consideration till this date, this court delivered the following.

AWARD

This petition has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of **Rs.45,00,000/-** with interest and costs.

1. Brief averments in the petition:

The petitioner submitted that on 02.01.2025 at about 20.20 hours when the deceased N. Kamala Kannan, standing in left side of the GST road, Chengalpattu to Tambaram side, near Perungalathur new bridge, at the time a bus bearing Reg. No.TN 01 AN 2111, driven by its driver very rash and negligent manner, endangering to public safety, hit against the said Kamalakannan. Due to the same he sustained fatal injuries and died on the spot. The accident occurred only due to rash and negligent driving of the respondent bus driver. Hence the Corporation is vicariously liable to pay compensation to the petitioner.

2. Brief averments in the counter of respondent :

The respondent denies all the averments made in the claim petition except those that are expressly admitted in the counter. The averments made in paras 21,21(a), 23 and 23(a) of the petition are untrue and misleading and therefore the respondent denies the same and put the petitioner to strict proof of the same. On 02.01.2025 when the respondent bus was on its trip from Kelambakkam to Poonamallee, the bus driver drove bus slowly around 20.10 hours when the bus was proceeding at GST road in Perungalathur new bridge, respondent driver saw a male pedestrian suddenly intending to cross the road from right side to left side in front of the bus without noticing the

vehicles in slow moving and without following traffic rules and regulations. The deceased should have crossed the road in a signal where the traffic rules and regulations allowed by a sketch called zebra crossing. On seeing the negligent act of the deceased the respondent driver gave sound horn and applied brake to stop the bus. In spite of the best efforts taken by the respondent driver the accident could not be averted. Because the deceased while attempting to cross the road in negligent manner tumbled in which he came into close contact with the front left side body of the bus and sustained head injuries. Immediately the injured was sent to Tambaram Government hospital where he died at hospital. The complainant in FIR is not an eyewitness at the time of accident. On the above said ground itself the claim petition is liable to be dismissed. The compensation amount claimed is excessive, exorbitant. Hence prayed for dismissal.

3. Evidence:

The first petitioner examined himself as PW1 and marked Ex.P1 to Ex.P14 and third party eyewitness was examined as PW2 and marked as Ex.X1. On the respondent side, its driver was examined as RW1 and marked Ex.R1.

4. Points for determination :

1)	Whether the accident occurred due to the rash and negligent driving of the respondent bus driver?
2)	Whether the petitioner is entitled to get compensation? If so, what should be the quantum of compensation, and by whom it is payable?

5. Point No.1:

It is pertinent to note that with regard to the accident, police complaint was lodged by deceased wife namely Vijayalakshmi (1st petitioner) to Tambaram traffic investigation wing and Ex.P1 FIR was registered in Crime No.4/2025 u/s. 281,106(1) BNS 2023 against the respondent bus driver. On completion of investigation the police filed Ex.P10 final report against the respondent bus driver. Though the respondent has contended that the deceased attempted to cross the road negligently and that the complainant was not an eyewitness, no proof is filed to show that criminal proceedings initiated against the driver were dropped. The respondent Corporation bus driver was examined as RW1. No other independent witness examined on the side of the respondent. The rough sketch is also not filed to prove that the accident occurred in the manner stated by the respondent. The evidence of PW2, an independent eyewitness, remained unshaken in cross-examination and corroborates the contents of Ex.P1 FIR and Ex.P10 Final report. Considering the same, this Tribunal holds that the accident occurred due to the negligence of the respondent bus driver. The point No.1 is decided accordingly.

6. Point No.2:

i) Cause of Death:

The accident occurred on 02.01.2025 and the deceased died on the spot. The postmortem certificate marked as Ex.P4 shows that the deceased died due to poly trauma, head injury, intracranial heamorrhage. Hence it is proved that the deceased died due to the injuries sustained in the accident.

ii) Dependency to the deceased:

The petitioners stated that the 1st petitioner is the wife of the deceased and the 2nd petitioner is the minor daughter of the deceased and the 3rd petitioner is the father of the deceased and they are the legal heirs to the deceased. In support to their claim the petitioners marked Ex.P9 legal heir certificate issued by the Thasildar, Madhurantakam. Hence this Tribunal holds that the petitioners 1 to 3 are entitled to receive and share the compensation awarded in this petition.

iii) Age of the deceased

The petitioners have stated in their claim petition that the deceased was aged 28 at the time of the accident. The Ex.P11 Aadhar card of the deceased shows his date of birth as 08.02.1996. The accident occurred on 02.01.2025 and hence considering the same her age is fixed as **28 years** at the time of accident.

iv) Monthly income of the deceased:

In the claim petition, it has been stated that at the time of the accident, the deceased was a driver and earned Rs.1,000/- per month. But there is no proof for the occupation or income. The first petitioner in her cross examination has admitted that no proof is filed regarding income of deceased. Since there is no proof for occupation or income, this Tribunal is inclined to fix notional income. Considering the age of the deceased and year of accident, prevailed working atmosphere his monthly income is notionally fixed as Rs.18,000/- per month.

v) Future Prospects

As per the Judgment of Hon'ble Apex court reported in **2017 (2) TNMAC 609** between *National Ins. Co. Ltd. Vs. Pranay Sethi and others* future prospects for the age group of below 40 non permanent job is 40%. So a sum of Rs.7,200/- to be added with monthly income. Thus, the annual income of the deceased is arrived as **Rs.3,02,400/-** (25,200 x 12).

vi) Deduction for personal and living expenses of the deceased:

As per judgment of the Honble Supreme Court in *Sarla Verma and Ors. Vs. Delhi Transport Corporation and Ors.* reported in **2009 (2) TNMAC 1**, The dependents to the deceased are three person hence 1/3 has to be deducted as the personal and living expenses of the deceased. As such, 1/3 of the amount Rs.3,02,400/- which is Rs.1,00,800/- deducted from the annual income of the deceased so the balance is **Rs.2,01,600/-** is the contribution to the dependents per annum.

vii) Multiplier and total loss of dependency:

After the deduction of the personal and living expenses of the deceased now there is need to calculate the loss of dependency. In this process the multiplier is significant as per judgment of the **Hon'ble Supreme Court in Sarla Verma and Ors. Vs. Delhi Transport Corporation and Ors. reported in 2009 (2) TNMAC 1**, since the age of the deceased was 28 at the time of death the multiplier for the age group of 26-30 will be M- 17. Therefore, the total loss of dependency is arrived as **Rs.34,27,200/-** (Rs.2,01,600 x 17)

viii) 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 and **Magma General Insurance Co.Ltd., Vs. Nanu Ram Alias Chuhru Ram and others reported in 2018(2) TNMAC 452 (SC)**, 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 loss of consortium according to their relationship under the head of spousal consortium, parental consortium, filial consortium. As per the Judgment of Hon'ble Apex court reported in **2017 (2) TNMAC 609** between **National Ins. Co. Ltd. Vs. Pranay Sethi and others**, each of the petitioners are entitled for Rs.40,000/- towards loss of spousal consortium, filial and parental consortium.

ix) Loss of Estate:

As per the Judgment of Hon'ble Apex court reported in **2017 (2) TNMAC 609** between **National Ins. Co. Ltd. Vs. Pranay Sethi and others**, the petitioners are entitled to **Rs.15,000/-** under the head of "Loss of Estate".

x) Funeral Expenses:

As per the Judgment of Hon'ble Apex court reported in **2017 (2) TNMAC 609** between **National Ins. Co. Ltd. Vs. Pranay Sethi and others** the petitioners are entitled to **Rs.15,000/-** under the head of "**Funeral expenses**".

xi) Medical Expenses:

The petitioners did not mark any medical bills for the treatment to the deceased, so no amount awarded towards medical expenses.

Summing up the above said amount under various heads are as follows

Loss of dependency	Rs. 34,27,200/-
Loss of Consortium	Rs. 1,20,000/-
Loss of Estate	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-
Medical bills	Nil
Total	Rs. 35,77,200/-

In view of the above discussion and calculation arrived in the above paras in various head, this tribunal comes to the decision that a sum of **Rs. 35,77,200/-** would be a just compensation to the death of deceased in road accident .

7. In the result, this petition is partly allowed and

(i)	An award of Rs.35,77,200/- (Rupees Thirty five lakhs seventy seven thousand and two hundred only) is passed in favour of the petitioners with interest at 7.5% p.a. from the date of petition, viz. 12.02.2025 to till the date of payment payable by the respondent with costs.
(ii)	There will be no interest for the default period if any.
(iii)	The compensation amount shall be deposited into this court Bank Account in the name of Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai within two months.
(iv)	Out of the total award amount the 1 st petitioner/wife of the deceased is entitled to Rs.20,00,000/- and the 2 nd minor petitioner/daughter of the deceased is entitled to Rs.10,00,000/- and 3 rd petitioner/father of

	the deceased is entitled to Rs.5,77,200/-. The petitioner 1 and 3 are permitted to withdraw the amount on deposit. The 2 nd minor petitioner award amount shall be deposited till the minor attains majority.
(v)	On petition for payment of the above said initial amount excluding, costs, Advocate fees and bank charges due and payable to the petitioners/claimants which shall be transferred to 3 rd petitioners/claimant's bank account No. 330801000008464, Indian Overseas Bank, Polambakkam Branch, Chennai, IFSC - IOBA0003308 through RTGS (or) NEFT. The 1 st petitioner is directed to furnish the Bank pass book and PAN card details within a month.
(vi)	The petitioner has paid a sum of Rs. 373/- towards Court fee. As per this award, the Court fee is Rs.35145/-. The Advocate fee is fixed at Rs.42,772/-.The Additional Court fee of a sum of Rs. 34,772/- shall be paid within 10 days.

Dictated by me to the Typist and she directly typed it in the computer after corrections pronounced by me in Open Court, on this the 17th day of July 2026.

(M. SHAKKIRA BANU)
V JUDGE
COURT OF SMALL CAUSES
CHENNAI

(7 para - v and vi amended as per memo. Dated.27.07.2026)

Petitioner side Witnesses: -

S.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	01.06.2026	Vijayalakshmi (1 st petitioner)	Ex.P1-Ex.P14

PW2	11.06.2026	Kumaravel (eyewitness)	Ex.X1
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Petitioner side Exhibits: -

Sl No.	Date	Document Particulars	Document Type
Ex.P1	02.01.2025	First Information Report	Photocopy
Ex.P2	--	Accident register	Photocopy
Ex.P3	--	Death report	Photocopy
Ex.P4	--	Postmortem certificate	Photocopy
Ex.P5	--	Respondent vehicle RC book	Photocopy
Ex.P6	--	Fitness, permit of the respondent vehicle	Photocopy
Ex.P7	--	Driving license of the respondent vehicle driver	Photocopy
Ex.P8	13.05.2025	Death certificate	Photocopy
Ex.P9	09.02.2026	Legal heir certificate	Photocopy
Ex.P10	23.01.2025	Final report	Photocopy
Ex.P11	--	Deceased aahaar card	Photocopy
Ex.P12	--	1st petitioner aadhar card and Bank pass book	Photocopy
Ex.P13	--	2nd petitioner Birth certificate	Photocopy
Ex.P14	--	3rd petitioner aadhar card and bank pass book	Photocopy

Respondent side Witness : -

S.No.	DATE	NAME OF THE WITNESSES	REMARKS
RW1	03.07.2026	Vijayaraj (respondent driver)	Ex.R1

Respondent side Exhibits : -

Sl No.	Date	Document Particulars	Document Type
Ex.R1	--	RW1 ID card	Photocopy

Third party witness side Exhibits : -

Sl No.	Date	Document Particulars	Document Type
Ex.X1	--	PW2 Aadhar card	Photocopy

Court Document : - Nil

**(M.SHAKKIRA BANU)
V JUDGE
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CHENNAI**

OTHER PARTICULARS

Date of filing of the petition	02.02.2025
Date of Award	17.07.2026
Amount Claimed under Compensation	Rs.45,00,000/-
Amount Awarded as Compensation	Rs.35,77,200/-
Total Court Fees	Rs.35,145/-
The Court Fee already paid	Rs.373/-
Balance Court Fee to be paid	Rs.34,772/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs.35,145/-
Vakalath	Rs. 5.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs. 42,772/-
TOTAL	Rs. 77,962/-

**(M. SHAKKIRA BANU)
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