

**MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURANTAKAM**

**PRESENT: Mr. T. GANESH, B.A.,B.L.,
Subordinate Judge,
Madurantakam.**

**Monday, this 27th day of April, 2026
MCOP No. 166/2013
(CNR.No.TNCG13-000283-2013)**

1. Subramani, (aged about 50 years),

S/o. Manika Naicker,

2. Chinnakuzhanthai, (aged about 40 years),

W/o. Subramani,

Both are residing at Neikuppi Village,

Kallapiranpuram Post,

Madurantakam Taluk.

...Petitioners

..Vs..

1. A. M. Saravanan,

Praveen Travel, No. 882/1,

Balakrishna Clay Product,

Gandhi Nagar, Kolar District,
Karnataka.

2. The United India Insurance Co-Ltd.,
Motor 3rd party claim office,
No. 7A, Varathanar Street, Chengalpet,
Kancheepuram District.

3. Praveen Travels Pvt Ltd.,
Rep.by A.Afzal,
Plot No. 63, Ground Floor,
IOA Prashant Nagar RR,
Strilling Gampally,
R.R.District,
Andharapradash (A.P),
Pincode: 500 019.

(Amended as per order in I.A 2/2025, dated: 01.02.2025)

... Respondents

This petition was taken on file by this Tribunal court on 04.12.2013.

1.	Name and address of the 1 st petitioner	Subramani, (aged about 50 years), S/o. Manika Naicker, residing at Neikuppi Village, Kallapiranpuram Post, Madurantakam Taluk.
2.	Name and address of the 2 nd petitioner	Chinnakuzhantai, (aged about 40 years), W/o. Subramani, residing at Neikuppi Village, Kallapiranpuram Post, Madurantakam Taluk.
3.	Name and address of the 1 st respondent	A. M. Saravanan, Praveen Travel, No. 882/1, Balakrishna Clay Product, Gandhi Nagar, Kolar District, Karnataka.
4.	Name and address of the 2 nd respondent	The United India Insurance Co-Ltd., Motor 3 rd party claim office, No. 7A, Varathanar Street, Chengalpet, Kancheepuram District.
5.	Name and address of the 3 rd respondent	Praveen Travels Pvt Ltd., Rep.by A.Afzal, Plot No. 63, Ground Floor, IOA Prashant Nagar RR, Strilling Gampally, R.R.District, Andharapradash (A.P), Pincode: 500 019.
6.	Date of filing of petition	28.11.2013
7.	Date of Award	27.04.2026
8.	Person who is liable to pay compensation	2 nd respondent is liable to pay compensation.
9.	Details of Award amount	Rs.14,16,000.00 (Rupees Fourteen Lakhs Sixteen Thousand Only) along with an interest at 7.5%

		from the date of petition till the date of deposit of the award amount excluding the period of dismissal for default if any.
10.	Details of Interest awarded.	Interest at the rate of 7.5% per annum from the date of petition till the date of realisation.
11.	Details of deposit and disbursement of award amount	Deposit by way of E-transfer such as NEFT, RTGS etc., into State Bank of India, Madurantakam Account No. 42910484246 IFSC code SBIN0000870 of Presiding officer, Motor Accident Claims Tribunal (MACT) Madurantakam. Petitioners to receive directly through E transfer such as NEFT or RTGS etc., in the bank account.
12.	Advocate fees	Advocate fee of Rs.21,160.00 fixed for the petitioners to make payment to his counsel as per the sub rule 4 of rule 20 of TN MACT Rules 1989.
13.	Details of court fees	Total court fees to be paid by the petitioner is Rs.13,532.50 . The petitioners have paid a court fee of Rs.25/-. The deficit court fee of Rs.13,507.50 shall be paid within 15 days from the date of award.
14.	Orders as to costs	Respondent No.2 is liable to pay costs to the petitioner for a sum of Rs. 34,702.50.

This petition came up on 07.04.2026 for final hearing before me in the presence of Mr.C.Venkatesan, counsel for the petitioner and Mr.V.Vasudevan, Counsel for the 2nd Respondent and respondents 1 and 3 called absent and set exparte and upon hearing both sides arguments, perusing the case records and having stood over for consideration till this day, this court delivers the following;

ORDER

This petition is filed under Section 140 & 166 of Motor Vehicles Act 1988 (Act IV of 39 r/w Rules 3 of M.M.C.T Rules 1989) claiming compensation of Rs.20,00,000/- (Rupees Twenty Lakhs) with interest and costs from the respondents

for the death of deceased Ajithkumar in a road accident which occurred on 19.11.2013 at about 9.00 P.M.

2. The case made out by the petitioners in amended claim petition is as follows:

On 19.11.2013 the deceased Ajithkumar travelled as pillion rider along with two others as pillion rider travelled in a two-wheeler bearing registration number TN 19 X 6652 from Neikuppi to Karunkuzhi. At about 7.00 P.M. when they were nearing Kallapiranpuram Bus Stop, in Tindivanam to Chennai Road, the 1st respondent Bus bearing registration number KA-07-A-2345 came in the same direction in a rash and negligent manner and hit them. Ajithkumar and Saravanan taken to Government Hospital Chengalpattu, where Ajithkumar died therein. Rider namely Gurunathan and other pillion rider, namely Venkatesan also died on the spot.

The S.I of Police, Madurantakam also registered a case in Cr.No.1028/2013 under section 279,338,304(A) of IPC against the respondent. Respondents 1 and 3 are the owner of the vehicle involved in the accident. The 2nd respondent is the insurer of the same. Hence the respondents are vicariously and statutorily liable to pay compensation to the petitioner.

At the time of filing this petition, 1st respondent name, which was mentioned in insurance policy and hence he was impleaded as party to the claim petition. After verifying the registration certificate of the vehicle, the petitioners came to know that the 1st Respondent transferred the ownership of vehicle to the 3rd Respondent on 04.05.2013. Hence the 3rd respondent impleaded as party to the main claim petition for better adjudication.

Hence the petitioner files this petition against the respondents directing them to pay a sum of Rs. 20,00,000/- with interest and cost.

3. In spite of service of notice, respondents 1 and 3 failed to appear. Hence they were called absent and set exparte.

4. The averments contained in the counter filed by the 2nd respondent is as follows:

The 2nd respondent denies the allegations set out in the petition. It is reliably understood that the deceased-Gurunathan, who rode a motor cycle with 4 persons, lost the control and fell down in the middle of the road. The petition is bad for non joinder of necessary party namely the owner and insurer of the two wheeler bearing registration number TN-19-X-6652.

In the event of decree being passed against this Respondent, the interest may be awarded as per prevailing rate of interest and as per the provisions of the Interest Act (Act 14 of 1978.) Since the owner 2nd Respondent remained ex-parte, this Respondent prays that they may be permitted to take all the defences available to the owner as contemplated under Sec. 170 of the M.V. Act.

Hence the respondent prays for dismissal of the claim petition.

5. Based on the above pleadings, the following points were framed for determination:

1. Whether the accident was occurred due to the rash and negligent driving of the driver of the vehicle bearing registration number KA-07-AK-2345?
2. Whether the claim petition is bad for non-joinder of owner and insurer of the two-wheeler bearing registration number TN 19 X 6652?
3. Whether the petitioners are entitled to compensation? If so, what is the quantum and apportionment?
4. Whether the respondents are liable to pay compensation to the

petitioners?

6. Petitioners examined the 1st Petitioner as Pw1 and marked Exs. P1 to Ex. P14 and one Kannan as Pw2 and no exhibits marked through him. No oral or documentary evidence adduced by respondents.

7. The 2nd respondent has filed petition U/s. 170 of M.V. Act, to defend the case on all or any of the grounds that are available to the 1st respondent and the same is allowed.No 170 filed.

8. Heard both sides and perused the records carefully.

9. **Point No.1:**

“Whether the accident occurred due to the rash and negligent driving of the driver of the vehicle bearing registration number KA-07-A-2345?”

Petitioners alleged that the accident was occurred due to the rash and negligent driving of the driver of the vehicle bearing registration number KA-07-A-2345. The 2nd respondent denied the same and contends that the accident was occurred due to the negligence of the rider of the two-wheeler, in which the deceased travelled as pillion rider, who drove the two-wheeler in a rash and negligent manner by carrying three pillion riders and lost control and fell down. There is no doubt that as per case of petitioners and eye witness namely Pw2 three persons travelled as pillion rider in the defending two-wheeler. But merely the rider drove the two-wheeler in triples would not be a ground to fix negligence upon the rider of the two wheeler. On this context this court would like to refer a decision of our Hon’ble High Court in ***National Insurance company ltd .Vs. P.Suresh***, dated 19.09.2018, where it is held that,

“As rightly pointed out, triple riding may be an offence under the statute, but, so far as civil liability is concerned, apart from triple riding evidence showing that the way in which triple riding was negligent must be available. In the absence of

such evidence, the contention that triple riding alone is the cause for accident cannot be accepted”

Here as per the said decision the 2nd respondent should show that the accident was occurred due to the negligence of the rider of the two-wheeler. But there is no evidence on record to show that the accident was occurred due to the triples driving alone. Nothing was pulled out from the mouth of Pw2 by the 2nd respondent to prove that the accident was occurred due to the triples driving. In fact in cross examination pf Pw2, it was clearly deposed that the two-wheeler was moving on the left side of the road and the driver of the bus alone negligently hit the two-wheeler. On the basis of complaint preferred by the 1st petitioner, father of the deceased, the SHO, Madurantakam registered First Information Report, Ex P1, in crime No. 1028/2013 U/s. 279, 338 and 304(A) of IPC. The version of Pw2 corroborate with Ex P1. Petitioners also filed the final report as Ex P12, where the driver of the bus alone triggered with charges by the police. Petitioners by way of examining Pw2 and producing Ex P12 has clearly proved that the accident was occurred due to the negligence of the driver of the bus bearing registration number KA 07 A 2345.

Now it is for the 2nd respondent who defend that the accident was not occurred due to the driver of the bus, should disprove the same by adducing cogent and acceptable evidence. But no oral or documentary evidence was adduced or produced to disprove the negligence cast upon the driver of the bus muhcless negligence as triggered upon the rider of the two-wheeler. For the reasons best known to the 2nd respondent, the driver of the bus was not examined to substantiate the defence. Again this court in respect of the triples riding wants to rely upon a decision of our Hon’ble Apex Court in *Mohammed Siddique Vs National insurance company limited*, reported in, **2020 – 3 – SCC – 57**, where it is held that,

“The fact that a person was a pillion rider on a motor cycle along with the driver and one more person on the pillion, may be a violation of the law. But such

violation by itself, without anything more, cannot lead to a finding of contributory negligence, unless it is established that his very act of riding along with two others, contributed either to the accident or to the impact of the accident upon the victim. There must either be a causal connection between the violation and the accident or a causal connection between the violation and the impact of the accident upon the victim.”

So, the 2nd respondent must atleast show that the accident was happened due to triples riding in which the deceased travelled as pillion rider. As already discussed the petitioners by way of examining Pw2 and producing Ex P1 and P12 proved that the accident was occurred due to the rash and negligent driving of the driver of the bus bearing registration number KA 07 A 2345.

Hence, this court of its considered opinion that the petitioners have established that the driver of the vehicle bearing registration number KA-07-A-2345 was responsible for the accident and that the 2nd respondent failed to disprove the same. Hence this point No.1 is answered in favour of the petitioners.

10. Point No.2:

“Whether the claim petition is bad for non-joinder of owner and insurer of the two-wheeler bearing registration number TN 19 X 6652?”

2nd respondent defend the claim petition that the petition is bad for non-joinder of owner and insurer of the two-wheeler bearing registration number TN 19 X 6652. No doubt that the deceased travelled in a two-wheeler bearing registration number TN 19 X 6652. But as per point no.1 it was proved that the accident was occurred due to the rash and negligent driving of the bus bearing registration number KA 07 A 2345. If it so, it is unnecessary to implead the owner and insurer of the two-wheeler bearing registration number TN 19 X 6652. Apart from even there is contributory negligence by the rider of the two-wheeler, then it is for the petitioners to claim compensation as against anyone of the tortfeasor. Here the deceased was pillion rider.

So, the deceased being third party, his legal heirs can claim compensation as against any one of the tortfeasor. But as held in point no.1, it is not necessary to implead the owner and insurer of the two-wheeler bearing registration number TN 19 X 6652, as the accident was occurred due to the sole negligence of the driver of the bus bearing registration number KA 07 2345. Hence this point is decided accordingly.

11. Point No.3:

“Whether the petitioners are entitled to compensation? If so, what is the quantum and apportionment?”

In respect of legal heirship there is no doubt raised by the 2nd respondent about the relationship of the petitioners with the deceased. Here the 1st petitioner is the father and the 2nd petitioner is the mother of the deceased. Ex P3 – Legal Heir Certificate establishes the relationship of the petitioners with the deceased Ajithkumar.

Now coming to the quantum of compensation, this court embark upon the various decisions of our Hon’ble Apex Court and Hon’ble High Court. To fix the compensation amount this court has to fix the age, occupation and monthly income of the deceased. The petitioners claimed that the deceased was 18 years old and he is a student in ITI.

a). In respect of age, Ex P2 – Postmortem Certificate would show the age of the deceased was 18 years old at the time of accident. Ex P13 the transfer certificate would show that the deceased born on 10.06.1995. There is no dispute raised by the respondents in respect of the same. Considering Ex P2 and P13 this court concludes that the age of the deceased would be 18 at the time of accident.

b). In respect of the monthly income of the deceased, the petitioners claimed that the the deceased undergone ITI training at the time of accident. Ex P11 – certificate from

deputy director Government Industrial Training Institute would prove the same. No dispute raised by the 2nd respondent in respect of the same. On this context this court wants to rely upon a decision of our Hon'ble High Court in ***Indira vs S.Selvaraj on 30 January, 2024***, where the Hon'ble High Court has confirmed the finding of the Tribunal fixing the notional income at Rs.9000/- per month for an ITI student who died in the accident of the year 2013. Here also the deceased is an ITI student and he died in the accident that occurred in the year 2013. Hence this court fix the income of the deceased as Rs.9,000.00 p.m at the time of accident.

c). To assess the appropriate compensation the monthly income, multiplicand, loss of estate, consortium, funeral expenses etc., should be taken into account. This court has fixed a sum of Rs.9000.00 p.m as notional income of the deceased on the date of accident. The deceased would have earned more additional income if he had lived for his full lifetime. Here the deceased was construed to be employed and his age was 18 years old at the time of accident. As per the decision of our Hon'ble Apex Court in Pranay Seithi case, future prospectus should be added in the income of the deceased. Hence, as per the above decision the future prospectus for the deceased would be 40% of his monthly income, as he had fixed salary. So, the monthly income would be $(9,000.00 \times 40\% + 9,000)$ Rs. 12,600.00 p.m. The deceased would have spent 1/2 of his income for personal expenses out of his total income, as he is a bachelor. So, this court deducts 1/2 of the total income of the deceased towards personal expenses. Thus, monthly income which petitioners would have received as dependents after having addition and deduction as indicated above will come to $(12,600 - (12,600.00 \times 1/2))$ Rs.6,300/-. So, the yearly loss of dependency would be $(6,300 \times 12)$ Rs.75,600.00. As per the decision of our Hon'ble Apex Court in ***Sarala Verma case***, the multiplicand for the age between 15 to 20 would be 18. So, the loss of dependency would be $(75,600.00 \times 18)$ Rs.13,60,800.00.

d) Apart from loss dependency the dependents are entitled to the loss of estate, loss of consortium, funeral expenses and transport expenses as per decision of our Hon'ble Apex Court namely *Pranay Seithi case*. As per the said decision, the Hon'ble Apex Court has ordered to pay Rs.40,000 towards consortium, Rs.15,000.00 towards funeral expenses and Rs.15,000.00 towards loss of estate. The said decision was decided in the year 2019 alone. Here the accident was occurred in the year 2013. Hence, as per order of Hon'ble Apex Court and the date of accident this court fix a sum of Rs. 7500.00 towards loss of estate, Rs. 75,000.00 towards funeral expenses and Rs. 20,000.00 towards parental consortium. Hence, the petitioners are entitled to (13,60,800.00 + 7500 + 7,500 + 20,000 + 20,000) **Rs. 14,15,800.00** as total compensation.

Sl.No.	Heads	Granted amount
1)	Income with future prospectus (9,000.00 x 40% + 9,000)	Rs. 12,600.00
2)	1/2 nd deduction towards his own expense from income (12,600 – (12,600.00 x 1/2))	Rs. 6,300.00
3)	Yearly loss of income (6,300 X 12)	Rs. 75,600.00
4)	Multiplier (Age 15 to 20)	18
5)	Loss of Dependency (75,600.00 x 18)	Rs.13,60,800.00
6)	Loss of consortium for the 1 st petitioner	Rs. 20,000.00
7)	Loss of consortium for the 2 nd petitioner	Rs. 20,000.00
8)	Loss of estate	Rs. 7,500.00
9)	Funeral Expenses	Rs. 7,500.00
	Total	Rs. 14,15,800.00 Rounded off to Rs. 14,16,000.00

As discussed, and tabled above the petitioners are entitled to a sum of **Rs.14,16,000.00** as compensation. Coming to the interest this court delve upon the decision of Hon'ble Apex Court in **Rajapriya case ((2005) 6 SCC 236)** where the interest shall be awarded 7.5% p.a. This court also award interest at the rate of 7.5% p.a towards the compensation payable to the petitioners from the date of filing till realization.

Thus, the petitioners are entitled to get total compensation of **Rs.14,16,000.00** with proportionate interest and cost at the rate of 7.5% p.a from the date of petition till realization.

12. Point No.4:

“Who is liable to pay the amount to the petitioners?”

Petitioners alleged that the respondents are the owners and insurer of the offending vehicle bearing registration number KA-07-A-2345. There is no dispute raised by the 2nd respondent in his counter about the same. Petitioners also by way of Ex P5 – Registration Certificate and Ex P6 – Insurance Certificate proved that the 3rd respondent is the owner and the 2nd respondent is the insurer of the offending bus. The 2nd respondent has not adduced any oral or documentary evidence to prove any breach of policy conditions. Ex P4 – Driving Licence of the driver of the offending bus would show that the driver had possessed valid driving licence at the time of accident. It was also not disputed by the 2nd respondent. Hence the 2nd respondent as insurer of the 1st respondent cannot escape from its liability from paying compensation to the petitioners and this point no.4 is answered accordingly.

13. Result:

In the result,

1. This claim petition is partly allowed.

2. That the 2nd respondent is liable to pay compensation to the petitioners 1 and 2 and that they are hereby directed to pay them a sum of Rs.14,16,000.00 (Rupees Fourteen Lakhs Sixteen Thousand Only) along with an interest at 7.5 percent per annum from the date of petition till the date of deposit of the award amount excluding the period of dismissal for default if any.
3. Out of the said award amount the petitioners 1 and 2 are each entitled to Rs.7,08,000.00, with subsequent interest.
4. That it is hereby directed that the said amount shall be paid within 30 days from the date of the award in the Bank account of the Presiding Officer, Motor Accident Claims Tribunal, (MACT) Madurantakam in the State Bank of India Account No. **42910484246** (IFSC code SBIN0000870) through the direct bank e-transfer modes of money ie. RTGS or NEFT.
5. That the 2nd respondent shall inform the counsel for petitioners 1 and 2 immediately after the deposit is made and to file proper proof before the court.
6. That the compensation amount to be deposited in the fixed deposit till the filing of the petition by the petitioners 1 and 2 and as per the orders passed in such petition, they are entitled to receive the amount directly through his bank account through e-transfer modes of money ie. NEFT or RTGS.
7. That the total court fees to be paid by the petitioners are Rs.13,532.50. The petitioners have paid a court fee of Rs.25/-. The deficit court fee of Rs.13,507.50 shall be paid by the petitioners within 15 days from the date of award.
8. That the Advocate fee of Rs.21,160.00 is fixed for the petitioners to make payment to his counsel as per Sub Rule 4 of Rule 20 of TN MACT Rules 1989.
9. That the 2nd respondent is directed to pay a cost of Rs. 13,542.50 and Advocate fee of Rs.21,160.00 totaling a sum of Rs.34,702.50 to the petitioners.

Details of petitioners and their bank account

1.	Name and address of the 1 st petitioner and details of Aadhar card	Subramani, (aged about 50 years), S/o. Manika Naicker, residing at Neikuppi Village, Kallapiranpuram Post, Madurantakam Taluk.
	Name of the Bank and Branch	The Karur Vysya Bank Limited, Gingee Branch.
	1 st Petitioner's Bank Account No.	1603155000145233
	Bank IFSC No.	KUBL0001603
2.	Name and address of the 2 nd petitioner and details of Aadhar card	Chinnakuzhantai, (aged about 40 years), W/o. Subramani, residing at Neikuppi Village, Kallapiranpuram Post, Madurantakam Taluk.
	Name of the Bank and Branch	Indian Overseas Bank, Gingee Branch.
	2 nd Petitioner's Bank Account No.	27360100021982
	Bank IFSC No.	IOBA0002736

Since the petitioners have not filed the details of their Pan card details, they are directed to file the same immediately.

Details of cost

	Petitioners Side	Rs.P	Respondents side	Rs.P
1	Vakalath	5.00	Vakalath	10.00
2	Court Fee	13,532.50	--	--
3	Advocate Fee	21,160.00	--	--

	Total	34,702.50	Total	10.00
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Directly typed in my lap-top, corrected and pronounced by me in the open court, this 27th day of April, 2026.

Motor Accidents Claims Tribunal Judge/
Subordinate Judge,
Madurantakam.

(All necessary particulars are incorporated in the award itself as per the order of Honourable Madras High Court in Cholamandalam MS Genl Insurance Co.Ltd. Vs. Mr.S.Ayyanar and others Tr.CMP Nos.264 to 281 of 2020 Dt.11.05.2020 and hence it is directed to treat the same as decree)

PETITIONER'S WITNESSES:

PW1: Subramani (1st Petitioner).

PW2: Kannan

PETITIONER'S EXHIBITS:

Ex P1	19.11.2013	First Information Report.	True copy
Ex P2	20.11.2013	Postmortem Certificate.	True copy
Ex P3	27.10.2017	Legal Heir Certificate.	Original.
Ex P4		Driving License of the 1 st respondent's vehicle Driver.	Xerox Copy
Ex.P5		Registration Certificate of the 1 st respondent's vehicle.	Xerox Copy
Ex P6		Insurance Certificate of the 1 st respondent's vehicle.	Original

Ex P7		Aadhar card of the 1 st Petitioner.	Xerox copy
Ex P8		Aadhar card of the 2 nd Petitioner.	Xerox copy
Ex P9		Bank Pass book of the 1 st petitioner.	Xerox copy
Ex P10		Bank Pass book of the 2 nd petitioner.	Xerox copy
Ex P11	20.12.2019	Bonafide Certificate.	Original.
Ex P12	-	Final Report.	True Copy.
Ex P13	-	Transfer Certificate of the deceased Ajithkumar.	Original.
Ex P14	-	Driving license of the Rider of the vehicle bearing Reg. No. TN-19-X-6652.	Xerox copy

2nd Respondent side witnesses:

NIL

2nd Respondent side Exhibits:

NIL

Motor Accidents Claims Tribunal Judge/
Subordinate Judge,
Madurantakam.

TNCG130002832013



Fair / Draft order
MCOP No.166/2013
D.D: 27.04.2026
Sub Court,
Madurantakam.