

**Before the Motor Accidents Claims Tribunal
(II Court of Small Causes, Chennai)**

Present: Thiru.A.B. Naseer Ali., B.A., B.L.,

Tuesday the 21st day of July 2026

Motor Accident Claims Original Petition No.1977 of 2012

CNR No.TNCH09-003517-2012

1. Thilagavathi Prema
2. A. Johnson,

Both are residing at:-

**No.12/109E, Dathi Street,
Ananthanadarkudy,
Agastheewaram,
Kanniyakumar District – 629 201.**

...Petitioners

(Amended as per order in MP.No.4/2025, dated 29.10.2025)

-Vs-

1. R. Vinoth Xavier,
S/o. Raja Rathinam,
No.E53, 2nd Floor, IHFD Flats,
Pallavaram,
Chennai – 43.
2. The Oriental Insurance Co., Ltd,
Race View Tower, 2nd Floor, 71,
Annasalai, Guindy, Chennai – 32.
No.115, Broadway Road,
Chennai – 1.

3. **Dennis Prem Shaju,**
S/o.E. Kirubakaran,
Door No.5, Meenakshi Garden,
G.N. Mills Post,
Coimbatore – 641 029.

...Respondents

(Amended as per order in MP.No.4/2025, dated 29.10.2025).

Counsels on Record:-

For Petitioners	M/s.V. Velu and S. Selvakumar
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1 st Respondent	Mr.A. Shanmugaraj
For 2 nd Respondent	Mr.J. Chandran
For 3 rd Respondent	Mr.V. Mohan Choudary

This petition came before this tribunal for final hearing on 16.07.2026 in the presence of the learned counsel for the first respondent and the learned counsel was heard. Petitioners and second respondent side had been heard already. Upon perusal of records including the written argument submitted on behalf of the petitioners and having stood over for consideration till this day, this tribunal delivers the following:-

ORDER.

1. This petition has been filed under section 166 of the Motor Vehicles Act (for short MV Act) claiming compensation of Rs.50,00,000/- for the death caused to the deceased in a road accident.

2. Gist of Amended Petition:-

- (a) The petitioners are the mother and father of the deceased Ms. Metilda. She was working as a System Analyser at Infosys, Mahindra City, Chennai and was earning Rs.50,000/- per month.
- (b) On 18.12.2011 at about 19.50 hours while the deceased was walking at GST Road, opposite to Chromepet Post Office, a motorcycle bearing registration number TN22 BB 5807 which was driven in a rash and negligent manner, hit against the deceased and who sustained multiple grievous injuries all over the body and she died on 20.12.2011.

- (c) The above said accident occurred only due to the rash and negligent driving of the rider of the above said motorcycle. The first respondent is the owner and the second respondent is the insurer of the above said motorcycle and both are liable to pay compensation to the petitioners and hence, this petition.

3. Gist of Counter of 1st Respondent:-

- (a) All the averments in the petition are denied except those which are specifically admitted.
- (b) For the death of the said Ms. Medilta, this petition has been filed by her parents. Another petition in M.C.O.P.No.579 of 2013 has been filed by her husband before the Sub Court, Coimbatore. Steps are taken to transfer the said case to this tribunal.
- (c) The petitioners have to prove that they are the only legal heirs of the deceased.
- (d) The vehicle was duly insured with the second respondent and the policy was in force at the time of accident.
- (e) The deceased was crossing the road without minding the traffic, due to her family problems and invited the accident.
- (f) The petition is bad for non-joinder of necessary parties.
- (g) The insurance policy was valid and the second respondent has to pay the compensation.
- (h) Hence, the petition is liable to be dismissed.

4. Gist of Counter of 2nd Respondent:-

- (a) All the averments in the petition are denied except those which are specifically admitted.
- (b) The age and avocation of the deceased are not admitted and the same have to be proved by the petitioners.
- (c) The place, date, time, the injuries alleged and the relationship of the petitioners alleged are all denied.
- (d) The very occurrence of the accident is denied. The vehicle in question has been falsely implicated in the accident. The petitioners have to prove that this respondent had issued insurance policy to the offending vehicle and the driver had valid driving license.
- (e) The claimed sum is high and the interest claimed is above the norms.
- (f) Hence, it is prayed to dismiss the petition with costs.

5. Gist of Counter of 3rd Respondent:-

- (a) The petition is false, frivolous and vexatious.
- (b) This respondent has already filed a petition seeking compensation in M.C.O.P.No.579 of 2013 for the premature death of his wife, Mrs. Metilda. These petitioners have filed this petition here. They had filed an application for transfer and as a result, this respondent's petition has been transferred to this tribunal. This respondent has a filed petition for joint trial.
- (c) The contention that this respondent had got married already is a cock and bull

story. The petitioners have to prove that this respondent had already got married. This respondent's marriage with the deceased Metilda took place at Trichy on 11.12.2009. Hiding the marriage, this petition has been filed.

(d) Order may be passed to strike off all the allegations against this respondent.

6. Points for Consideration:-

1. Whether the petitioners are entitled to compensation on account of the death of the deceased person, from the second respondent?
2. Whether the petitioners are the only legal heirs of the deceased?
3. What is the quantum?

7. On the side of the petitioners, three witness were examined as PW1 to PW3 and Exs.P1 to P27 were marked. On the side of first and second respondents no witness was examined and no document was marked. Third respondent remained *ex parte*, at later stage.

8. Point No.1:-

- (a) Records were perused. Ex.P1, the copy of First Information Report (FIR) reveals that on 18.12.2011 at about 19.50 hours while the deceased was walking at GST Road, opposite to Chromepet Post Office, a motorcycle bearing registration number TN22 BB 5807 which was driven in a rash and negligent manner, hit against the deceased, that she sustained multiple grievous injuries all over the body and that she died on 20.12.2011. Ex.P2, postmortem report proves that the said Ms. Metilda died due to complications of head

injuries. Ex.P3, final report confirms the negligence on the part of the 1st respondent who was riding the offending motor cycle and also about the death of the deceased. As per the death certificate marked as Ex.P5, the deceased died on 20.12.2011.

(b) While the said details are available, there is no evidence even to suspect whether the deceased walked without minding the traffic, due to her family problems and thus, invited the accident.

(c) As per the judgment in *TNSTC vs. Nagamalli and others*, reported in 2015 SCC Online MAD 13441 strict proof is not required in petitions like this. Hence, with the available evidence as pointed out above, it is concluded that the accident occurred only due to the rash and negligent driving of the driver of the said motorcycle.

(d) As per Ex.P19, Registration Certificate copy, the 1st respondent was the owner who had valid driving licence as per Ex.P20, copy of the driving licence and as per Ex.P21 the copy of insurance policy, the 2nd respondent was the insurer. Therefore, the 2nd respondent has to pay compensation.

(e) Accordingly, this point is answered in favour of the petitioners.

9. Point No.2:

(a) Ex.P6, the legal heir certificate copy proves that the 1st petitioner is the mother and the 2nd petitioner is the father of the deceased Ms. Metilda. It is the case of the 3rd respondent that he married the deceased and as husband, he is also her

legal heir. As a matter of fact, he filed a separate petition claiming compensation for the death of the above said Ms. Metilda in MCOP.No.579/2013 before the learned Sub Court, Coimbatore and that case was transferred to this tribunal to try along with this petition. However, the said transferred case in MCOP.No.7274/2014 was dismissed for default on 07.12.2017. The above said information with regard to the dismissal has been fetched through “e-court services” application, as part of taking judicial notice.

(b) Ex.P14, the copy of the judgment and decree in OS.No.410/2013 of the learned Principal District Munsif, Tiruchirappalli prove that the marriage solemnized between the deceased Ms. Metilda and the 3rd respondent herein was declared as null and void. Since the decree has been passed declaring the marriage as null and void, which will take effect from the alleged date of marriage itself, the 3rd respondent cannot be a legal heir of the deceased. It is to be noted that the said case was filed with an allegation that the 3rd respondent herein got married another lady on 13.12.2004 itself. Therefore, the above said case, being not the one to dissolve the marriage, but only to declare the marriage as null and void, by no stretch of imagination the 3rd respondent could be the legal heir of the deceased. Therefore, as per Ex.P6, the legal heirs certificate, the petitioners are the only legal heirs of the deceased.

(c) Accordingly, this point is answered as against the claim of 3rd respondent.

10. Point No.3:-

- a) The deceased is said to have been working as a Techno Analyzer and was earning Rs.41,886/-. In support of the claim Lead Employee Relations of Infosys Company was examined as PW2. As per her evidence, the said Ms.Metilda was drawing Rs.41,886/- per month.
- b) Ex.P8, appointment order proves that the said Ms. Metilda was ordered to join the company in July 17, 2006. As per Ex.P10, pay slip she was drawing a salary of Rs.41,886/- during the month of November 2011. Though Ex.P10 reveals that she was drawing sum of Rs.41,886/-, after deductions, she draw only Rs.21,639/-. Her bank statement copy marked as Ex.P11 reveals that on 31.10.2011 she drew a sum of Rs.22,062/- after deductions, on 29.09.2011 she drew Rs.18,843/-. The above said salary slip along with the bank statement reveals that there is nothing wrong in taking above said Rs.41,886/- as her salary. Therefore, this tribunal considering all the related documents comes to the conclusion that she was drawing Rs.41,886/- per month at the time of her death. As per the salary slip marked as Ex.P10, there was an income tax deduction for a sum of Rs.2,103/-. No doubt, this sum is to be deducted. Therefore, this tribunal fixes the monthly salary of the above said deceased as **Rs.39,783/-**.
- c) As per the educational certificate marked as Ex.P7, the date of birth of the deceased was 05.03.1985. So, at the time of death her age was 26. As per the

decision of Honourable Supreme Court in *National Insurance Co., Ltd., vs Pranay Sethi and others*, reported in 2017 (2) TN MAC 609 read with *M/s. Reliance General Insurance Co., Ltd., Vs Mahadevan and others* in CMA 171/2018 of our Hon'ble High Court, in case of permanent employed persons, aged below 40 years, an addition of **50%** is to be given towards **Future Prospects**.

- d) Though the deceased married R3, as per the decision in issue No.2 as the marriage was declared as null and void, the status of the deceased is only the bachelorette, as rightly argued by the learned counsel for the 2nd respondent. The argument of the learned counsel for the petitioners that the petitioners, being the parents, who experienced irksome toils to bring up their daughter to this level, should be awarded just deducting 1/3 of the income, is not convincing. Since they poured hard labours, their daughter's income is on the high level, and as a result the total compensation is calculated at higher level. But the law is well settled in case of bachelors to deduct 1/2. Hence, 1/2 of the income is to be deducted towards **Personal Expenses**.
- e) As pointed out already, since the deceased was 26 years at the time of accident, as per the judgment in *Sarla Verma & others vs. Delhi Transport Corporation & another*, reported in (2009) 6 SCC 121, the appropriate **Multiplier** is **17**.
- (d) Therefore, with the above said factors, the calculation towards loss of dependency would be as follows:

Monthly Income	:	Rs.39,783/-
Yearly Income	:	Rs.39,783/- X 12 =Rs.4,77,396/-
Future Prospects	:	Rs.4,77,396/- + 50%= Rs.7,16,094/-
with Multiplier 17	:	Rs.7,16,094/- X 17 = Rs.1,21,73,598/-
Deduction 1/2	:	Rs.1,21,73,598 – 1/2 = Rs.60,86,799/-
Result is	:	Rs.60,86,799/-

Therefore, for **Loss of Dependency Rs.60,86,799/-** is awarded.

(e) As per the verdict in *Pranay Sethi* cited *supra* read with *Magma General Insurance Co., Ltd vs. Nanu Ram @ Churu Ram*, (2018) 18 SCC 13 the claimants, being two are entitled to **Loss of Consortium** as follows: 2 X Rs.40,000/- = **Rs.80,000/-**.

(f) In the same manner, as per *Pranay Sethi* case, for **Loss of Estate Rs.15,000/-** and for **Funeral Expenses Rs.15,000/-** are awarded.

(g) Though the deceased was said to be admitted in Apollo Hospital, the petitioners have not produced any Medical Bills and so, they are not entitled to any amount as **Medical Expenses**.

Final Calculation:

Loss of Dependency	Rs.	60,86,799/-
Loss of Consortium	Rs.	80,000/-
Loss of Estate	Rs.	15,000/-
Funeral Expenses	Rs.	15,000/-

Total **Rs. 61,96,799/-**

- (h) **Apportionment:-** The petitioners being parents of the deceased are entitled to equal ratio with proportionate interest and costs.
- (i) The petitioners have claimed only lesser amount. However, as per the judgment in *Nagappa Vs Gurudayal Singh and Others* (2002 INSC 504) relied upon by the learned counsel for the petitioners just compensation shall only be awarded though lesser sum has been sought for. The deficit court fees shall be paid by the petitioners.
- (j) Accordingly, this point is answered partly in favour of petitioners.

11. In the result,

- 1) the petition is allowed to award a sum of **Rs.61,96,799/- (Rupees Sixty One Lakhs Ninety Six Thousand Seven Hundred and Ninety Nine)** only with interest at the rate of 7.5 percent from the date of petition i.e., 26-04-2012 till the date of realization and costs, excluding the period of default if any.
- 2) The said award amount including interest and costs shall be paid to the bank account of the claimants, the details of which are given below directly by the second respondent within thirty days through net banking after deducting the deficit court fees if any which shall be paid/deposited before this tribunal by the second respondent within thirty days.
- 3) The insurance company shall intimate this tribunal about the payment of court fees as well as the payment of compensation to the claimants with a copy of

proof of the transaction details immediately after the compliance.

- 4) In case if the bank account of the claimants are inoperative, the same shall be intimated by the insurance company to the claimants under intimation to this tribunal with proof in which event the claimants shall furnish the correct account details within two weeks since then. The insurance company need not pay interest from the date of initial transaction till the date of furnishing of correct bank particulars by the claimants.

- 5) Bank Account Details of the Claimants are as follows:

1st Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Ms. Thilagavathi Prema	Not furnished	Not furnished	881945544339	Not furnished

2nd Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Mr.A. Johnson	Not furnished	Not furnished	324838092784	Not furnished

- 6) The petitioners are hereby directed to furnish the self attested copy of Bank pass book and PAN card to this tribunal and also to the 2nd respondent within a period of fifteen days from today without fail.

- 7) The Court fee paid along with the petition is Rs.24,373/-.

- 8) The Court fee for the award amount is Rs.61,340/-. The deficit court fee is Rs.36,967/-.

- 9) Advocate fee is Rs.68,968/-.

- 10)The second respondent shall pay to the petitioners a sum of Rs.1,30,363/-

towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	12-04-2012
Date of taken up on file	-	26-04-2012
Compensation claimed in the M.C.O.P.	-	Rs.50,00,000/-
Compensation awarded in this petition	-	Rs.61,96,799/-
Court fee paid along with the petition	-	Rs.24,373/-
Court fee payable on the award amount	-	Rs.61,340/-
Additional court fee to be paid	-	Rs.36,967/-
Additional court fee paid, MP SR.No.....; dated		

Cost List for the petitioner

STATEMENT OF COSTS

For the petitioners

For the Respondents

		<u>Rs.</u>	<u>P.</u>		<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	61,340	00			
Stamp on Vakalat	-	5	00			
Stamp for process	-	50	00	-- not filed --		
Advocate fees		68,968	00			
Costs allowed	-	1,30,363	00			

As per the direction of the Honourable High Court, decree is not drafted separately.

This order was partly typed by me in laptop and was partly dictated to the stenotypist, transcribed by her, corrected and pronounced by me in the open Court, on this the 21st day of July 2026.

II Judge, MACT
(Court of Small Causes, Chennai)

Petitioners Side Witnesses:

P.W.1 : Mrs. Thilagavathy

P.W.2 : Ms. Gladis Grace

P.W.3 : Mr. Boopalan

Petitioners Side Documents:

Ex.P1	FIR	Copy
Ex.P2	Postmortem certificate	Copy
Ex.P3	Final report	Copy
Ex.P4	Death summary	Copy
Ex.P5	Death certificate	Copy
Ex.P6	Legal heir certificate	Copy
Ex.P7	Educational qualification certificates	Copy
Ex.P8	Appointment order	Original
Ex.P9	Employee ID card of deceased	Copy
Ex.P10	Pay slip	Copy
Ex.P11	Bank statement	Copy
Ex.P12	Excellence certificate	Copy
Ex.P13	ID OP.No.97/2010 Complaint copy	Copy
Ex.P14	Judgment and Decree in OS.No.410/2013	Copy

Ex.P15	Affidavits	Copy
Ex.P16	AB petition copy u/s.438, Crime No.956/2014)	Copy
Ex.P17	Aadhar card of 1 st petitioner	Copy
Ex.P18	Aadhar card of 2 nd petitioner	Copy
Ex.P19	RC of 1 st respondent's vehicle	Copy
Ex.P20	Driving licence of 1 st respondent's vehicle driver	Copy
Ex.P21	Insurance policy	Copy
Ex.P22	Authorization letter of PW2	Original
Ex.P23	Employee ID card of PW2	Copy
Ex.P24	Employee proof	Copy
Ex.P25	Salary slip for the month of November 2011	Copy
Ex.P26	Court summons	Copy
Ex.P27	Aadhar card of PW3	

Respondents Side Witness and Document:- Nil

**II Judge, MACT
(Court of Small Causes, Chennai)**