

Before the Motor Accident Claims Tribunal

(II Court of Small Causes, Chennai)

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

Thursday, the 30th day of July 2026

Motor Accident Claims Original Petition No.3568 of 2023

CNR No.TNCH09-006931-2023

Motor Accident Claims Original Petition No.3569 of 2023

CNR No.TNCH09-006929-2023

Motor Accident Claims Original Petition No.3886 of 2023

CNR No.TNCH09-006922-2023

1. Mrs. Astalakshmi
 2. T.A. Tharan (Minor)
 3. T.A. Taniskaa (Minor)
 4. T.A. Tharunika (Minor)
- (Petitioners 2 to 4 are minors rep by their
Mother and next friend Mrs. Astalakshmi)

All are residing at:-

No.70/40, Dhamodharapuram Main Road,
Adyar,
Chennai – 600 020.

...Petitioners in MCOP.No.3568 of 2023

1. L. Munusamy
2. Vidhya
3. Saranya
4. Gajalakshmi

Residing at:-

No.28/14, 17th Street, Padi Pudhu Nagar,
Anna Nagar West Extn.,
Chennai – 600 101.

...Petitioners in MCOP.No.3569 of 2023

T.A. Tharan (Minor),
(Rep by his mother & next friend Mrs. Astalakshmi),
No.70/40, Dhamodharapuram Main Road,
Adyar,

Chennai – 600 020.

...Petitioner in MCOP.No.3886 of 2023

-Vs-

1. Mrs.S. Astalakshmi,
No.24/48, Thattan Thottam,
Palladam Main Road,
Tiruppur – 641 604.

2. The New India Assurance Co., Ltd.,
(Motor Third Party Cell),
Bombay Mutual Building, 6th Floor,
No.232, N.S.C Bose Road,
Chennai – 600 001.

...Respondents in all the cases

Counsels on Record:-

For Petitioner	M/s.S. Haridass, E. Chandru and H. Paventhan
1 st Respondent	<i>Ex parte.</i>
For 2 nd Respondent	Mrs.S.K. Subathra

These claim petitions came before this tribunal for final hearing on 27.07.2026 in the presence of the learned counsels for both sides. Upon hearing their arguments, upon perusal of records and having stood over for consideration till this date, this tribunal delivers the following:-

COMMON ORDER.

1. M.C.O.P.No.3568 of 2023 has been filed under section 166 of the Motor Vehicles Act (for short MV Act) claiming compensation of Rs.95,00,000/- for the death caused to the deceased M.Thirumal in a road accident.

2. M.C.O.P.No.3569 of 2023 has been filed under section 166 of MV Act claiming compensation of Rs.45,00,000/- for the death caused to the deceased Ezhilarasi in the same road accident.

3. M.C.O.P.No.3886 of 2023 has been filed under section 166 of MV Act claiming compensation of Rs.45,00,000/- for the injuries caused to the petitioner in the same road accident.

4. Gist of Petition in M.C.O.P.No.3568 of 2023:-

- (a) The first petitioner is the wife, the petitioners 2 to 4 are the children and the fifth petitioner is the mother of the deceased namely M.Thirumal. He was the proprietor of a shop named M/s., Om Narayana Automobiles and was earning a sum of Rs.50,000/- per month.
- (b) On 31.05.2023 at about 14.00 hours while the deceased M.Thirumal was traveling in a car bearing registration number TN68 R 5845 proceeding at Bengaluru – Chennai National Highways Road, near Shankar Mechanic Shop, Walaja, an Eicher Van bearing registration number TN52 Q 1459 was parked on the road without any signal, indicator or parking light which resulted in the car hitting against the parked van, due to which the said Thirumal sustained injuries and died on the spot.
- (c) The above said accident occurred only due to the rash and negligent parking of the above said van. The first respondent is the owner and the second respondent is the insurer of the above said van and both are liable to pay compensation to the petitioners and hence, this petition.

5. Gist of Petition in M.C.O.P.No.3569 of 2023:-

- (a) The deceased Ezhilarasi was serving as a nurse in Madras Medical Mission

Hospital, Mogappair, Chennai and was earning a sum of Rs.30,000/- per month.

(b) On 31.05.2023 at about 14.00 hours while the deceased Ezhilarasi was traveling in a car bearing registration number TN68 R 5845 proceeding at Bengaluru – Chennai National Highways Road, near Shankar Mechanic Shop, Walaja, an Eicher Van bearing registration number TN52 Q 1459 was parked on the road without any signal, indicator or parking light which resulted in the car hitting against the parked van, due to which the said Ezhilarasi sustained injuries and died on the spot.

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

6. Gist of Counter of 2nd Respondent in both the Petitions:-

(a) All the averments in the petition are denied except those which are specifically admitted.

(b) The respondent denies the age, avocation and income of the deceased.

(c) The car dashed against the Eicher van which was safely parked with proper indicators.

(d) The accident occurred only due to the rash driving and negligence of the car driver. But the petitioners twisted the fact, for which the petition has to be

dismissed.

- (e) The respondent denies the relationship of the petitioners with the deceased.
- (f) The owner and insurer of the car are necessary parties to the case.
- (g) The petitioners have to prove that the driver of the van had valid driving license at the time of accident and it had valid fitness certificate.
- (h) The compensation claimed under various heads is high and the interest claimed is exorbitant. Hence, the petition is liable to be dismissed.

7. Gist of Petition in M.C.O.P.No.3886 of 2023:-

- (a) The petitioner is a minor aged 12 years and he is a student.
- (b) On 31.05.2023 at about 14.00 hours while the petitioner was traveling in a car bearing registration number TN68 R 5845 proceeding at Bengaluru – Chennai National Highways Road, near Shankar Mechanic Shop, Walaja, an Eicher Van bearing registration number TN52 Q 1459 was parked on the road without any signal, indicator or parking light which resulted in the car hitting against the parked van, due to which the petitioner sustained injuries.
- (c) The above said accident occurred only due to the rash and negligent parking of the above said van. The first respondent is the owner and the second respondent is the insurer of the above said van and both are liable to pay compensation to the petitioners and hence, this petition.

8. Gist of Counter of 2nd Respondent in M.C.O.P.No.3886 of 2023:-

- (a) All the averments in the petition are denied except those which are specifically

admitted.

- (b) The car dashed against the Eicher van which was safely parked with proper indicators.
- (c) The accident occurred only due to the rash driving and negligence of the car driver. But the petitioner twisted the fact, for which the petition has to be dismissed.
- (d) This respondent denies the injuries alleged to have been suffered by the petitioner.
- (e) This respondent submits that the policy particulars and the period of its validity given in the petition are not admitted and they are subject to verification and proof.
- (f) The owner and the insurer of the car are necessary parties to the case.
- (g) The petitioner has to prove that the driver of the van had valid driving license at the time of accident and it had valid fitness certificate.
- (h) The compensation claimed under various heads is high and the interest claimed is exorbitant. Hence, the petition is liable to be dismissed.

9. Points for Consideration in M.C.O.P.No.3568 of 2023:-

1. Whether the claimants are entitled to get compensation from the second respondent on account of the death of the deceased person?
2. What is the quantum?

10. Points for Consideration in M.C.O.P.No.3569 of 2023:-

1. Whether the claimants are entitled to get compensation from the second respondent on account of the death of the deceased person?
2. What is the quantum?

11. Points for Consideration in M.C.O.P.No.3886 of 2023:-

1. Whether the petitioner is entitled to get compensation from the second respondent?
2. What is the quantum?

12. These petitions were tried together i.e., joint trial was conducted. The evidence was recorded in M.C.O.P.No.3568 of 2023. On the side of petitioners, the first petitioner in M.C.O.P.No.3568 of 2023 was examined as PW1 and Exs.P1 to P20 were marked. The second petitioner in M.C.O.P.No.3569 of 2023 was examined as PW2 and Exs.P21 to P29 were marked. A third party was examined as PW3 and Exs.P30 to P35 were marked. Another third party was examined as PW4 and Exs.P36 was marked. On the side of second respondent, CW1 was examined and Ex.X1 was marked. The Disability Certificate issued for the petitioner in M.C.O.P.No.3886 of 2023 was marked as Ex.C1. The first respondent remained *ex parte* in all the petitions.

13. Point No.1 in M.C.O.P.No.3568 of 2023, M.C.O.P.No.3569 of 2023 and M.C.O.P.No.3886 of 2023:-

- (a) Records were perused. Ex.P1, copy of the First Information Report (FIR)

reveals that on 31.05.2023 at about 14.00 hours while the deceased Thirumal, Ezhilarasi and the petitioner minor Tharan were traveling in a car bearing registration number TN68 R 5845 proceeding at Bengaluru – Chennai National Highways Road, near Shankar Mechanic Shop, Walaja, an Eicher Van bearing registration number TN52 Q 1459 was parked on the road without any signal, indicator or parking light which resulted in the car hitting against the parked van, due to which the said M.Thirumal and Ezhilarasi died on the spot and the minor petitioner Tharan sustained injuries.

(b) 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, i.e., with the FIR, it is concluded that the accident occurred only due to the rash and negligent parking of the driver of the said van.

(c) Ex.P3, copy of Postmortem Report of Thirumal and Ex.P21, copy of Postmortem Report of Ezhilarasi are not clear. However, since both of them died on the spot it could be ascertained that they died because of the accident. The FIR and Final Report are sufficient to conclude as such.

(d) Copies of insurance policy, Motor Vehicle Inspection Report etc., have not been produced to show the owner and insurer of the offending van. However, no serious dispute has been raised in this regard. Hence, it is concluded that the first respondent was the owner and the second respondent was the insurer of

the said van during the relevant date of accident.

(e) It is the contention of the second respondent that the van was parked after taking all precautionary measures like giving signals, by putting parking lights on and also by placing triangle shaped reflectors and the driver had to park the vehicle since the tyre of the van got punctured. RW1 claims that he did not park the vehicle on the black topped road. But Ex.P2, Copy of Rough Sketch proves that the van was parked on the Thar road and not on the soil road as claimed by RW1, the driver of the said Eicher van. Ex.P11, copy of Final Report proves the negligence on the part of RW1 and it is clear from the said report that no signal was given or parking lights were on as claimed by RW1. The final report also makes it clear that the car driver had to dash against the parked van since he tried to take side from the vehicle which was running in front of it. Further, no *iota* of evidence is available to presume that the tyre got punctured.

(f) Further as per Section 122 of MV Act parking the vehicle in the public place itself is an offence. For ready reference, the provision is scrolled down as below:-

“No person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to be abandoned or to remain at rest on any public place in such a position or in such a condition or in such circumstances as to cause or likely to cause danger, obstruction or

undue inconvenience to other users of the public place or to the passengers.”

(g) Therefore, the negligence is completely on the part of the parked van.

(h) Ex.P10, the legal heir certificate copy proves that the first petitioner is the wife, the petitioners 2 to 4 are the children and the fifth petitioner is the mother of the deceased Thirumal.

(i) As such, Ex.P26, the copy of legal heir certificate proves that the first petitioner is the husband and the petitioners 2 to 4 are the children of the deceased Ezhilarasi. Therefore, the petitioners in the above said three petitions are entitled to claim compensation from the second respondent.

(j) Accordingly, these points are answered in favour of the petitioners respectively.

14. Point No.2 in M.C.O.P.No.3568 of 2023 :- (FATAL)

(a) The deceased is said to have been running an automobiles shop and was earning a sum of Rs.50,000/- per month. Ex.P5 and Ex.P6, copies of registration certificate prove that a shop in the name of Oaam Naaraayanaa Automobiles was run. But the name of the proprietor is not reflected in those documents. But there is no serious dispute about the running of the shop by the deceased.

(b) Ex.P7, copy of Income Tax Returns prove that the deceased had earned a sum of Rs.6,01,329 during the year 2017-2018. Previous years' reports reveal that

the income was on the increase from year to year. So, the claim of the petitioners that he was earning **Rs.50,000/-** does not appear to be exaggerated.

Hence, this tribunal accepts the claim regarding the income.

(c) As per the PAN card copy marked as Ex.P8, his age was 41 years at the time of his death. So, as per the decision of the Honourable Supreme Court in *National Insurance Co., Ltd., vs Pranay Sethi and others*, reported in 2017 (2) TN MAC 601, in case of self employed persons, aged between 40 to 50 years, an addition of **25%** is to be given towards **Future Prospects**.

(d) As pointed out already, the dependents are five. Hence, **1/4th** of the income is to be deducted towards **Personal Expenses** as per *Smt. Sarla Verma and others vs. Delhi Transport Corporation*, reported in (2009) 6 SCC 121.

(e) As pointed out already, since the deceased was 41 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 **14**.

(f) Therefore, with the above said factors, the calculation towards loss of dependency would be as follows:

Monthly Income Rs.50,000/-

Yearly Income Rs.50,000 x 12 = Rs.6,00,000/-

Less Income Tax Rs.6,00,000 – Rs.15,600/- = Rs.5,84,400/-

Future Prospects 5,84,400/- + 25%= Rs.7,30,500/-

with Multiplier 14 = Rs.7,30,500/- X 14 = Rs.1,02,27,000/-.

Deduction $1/4 = 1/4$ of Rs.1,02,27,000/- is = Rs.25,56,750/-

Result is Rs.1,02,27,000/- – Rs.25,56,750/- = Rs.76,70,250/-.

(g) Therefore, for **Loss of Dependency Rs.76,70,250/-** is awarded.

(h) 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 five are entitled to **Loss of Consortium** as follows: **5 X Rs.44,000/- = Rs.2,20,000/-**.

(i) In the same manner, as per *Pranay Sethi case*, for **Loss of Estate Rs.16,500/-** and for **Funeral Expenses Rs.16,500/-** are awarded.

(j) The petitioners have not produced any Medical Bills and so, they are not entitled to any amount as **Medical Expenses**.

(k) Final Calculation:-

1. Loss of Dependency	:	Rs.	76,70,250/-
2. Loss of Consortium	:	Rs.	2,20,000/-
3. Loss of Estate	:	Rs.	16,500/-
4. Funeral Expenses	:	Rs	16,500/-
Total	:	Rs.	<u>79,23,250/-</u>

(l) **Apportionment:-** The first petitioner being the wife is entitled to **Rs.18,75,000/-** and the petitioners 2 to 4 being the children are each entitled to **Rs.18,75,000/-** and the fifth petitioner being the mother is entitled to **Rs.4,23,250/-** with proportionate interest and costs.

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

15. Point No.2 in M.C.O.P.No.3569 of 2023: (FATAL)

- (a) The deceased is said to have been working as a nurse in a private hospital and was earning a sum of Rs.30,000/- per month. Exs.P23 and P35, copies of salary slips and Ex.P24, copy of Bank statement together with the oral evidence of PW3, an employee in the said hospital prove that she was drawing monthly salary around Rs.30,000/-. There are some ups and downs in the salary, but approximately the deceased had drawn around Rs.30,000/-. Hence, the said amount is fixed as income of the said Ezhilarasi.
- (b) As per the PAN card copy marked as Ex.P25, her age was 44 years at the time of his death. So, as per the decision of the Honourable Supreme Court in *National Insurance Co., Ltd., vs Pranay Sethi and others*, reported in 2017 (2) TN MAC 601 and also as per the case in *M/s., Reliance General Insurance Co., Ltd., vs. Mahadevi and others* in case of employee of a job, be it government or private, aged between 40 to 50 years, an addition of **30%** is to be given towards **Future Prospects**. It is to be noted that as per Ex.P34 the said Ezhilarasi was a permanent employee in the hospital.
- (c) As pointed out already, the dependents are four. Though the daughters are said to have been married, they would definitely miss their lovable mother's attention and contribution since she was an earning lady. Hence, all the four are treated as dependants. Hence, **1/4th** of the income is to be deducted towards **Personal Expenses** as per *Smt. Sarla Verma and others vs. Delhi Transport*

Corporation, reported in (2009) 6 SCC 121.

(d) As pointed out already, since the deceased was 44 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 **14**.

(e) Therefore, with the above said factors, the calculation towards loss of dependency would be as follows:

Monthly Income Rs.30,000/-

Yearly Income Rs.30,000 x 12 = Rs.3,60,000/-

Future Prospects Rs.3,60,000/- + 30%= Rs.4,68,000/-

with Multiplier 14 = Rs.4,68,000/- X 14 = Rs.65,52,000/-.

Deduction $1/4 = 1/4$ of Rs.65,52,000/- is = Rs.16,38,000/-

Result is Rs.65,52,000/- – Rs.16,38,000/- = Rs.49,14,000/-.

(f) Therefore, for **Loss of Dependency Rs.49,14,000/-** is awarded.

(g) 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 four are entitled to **Loss of Consortium** as follows: **4 X Rs.44,000/- = Rs.1,76,000/-**.

(h) In the same manner, as per *Pranay Sethi case*, for **Loss of Estate Rs.16,500/-** and for **Funeral Expenses Rs.16,500/-** are awarded.

(i) The petitioners have not produced any Medical Bills and so, they are not entitled to any amount as **Medical Expenses**.

- (j) As per the judgment of Honourable Apex Court in *Shishu Pal @ Shish Ram & ors vs. Surjeet & ors.*, SLP (Civil) No.33915 of 2025 a sum of **Rs.30,000/-** shall be given to homemakers under the head of **Loss of Domestic Care**. Hence, the said amount is also awarded.

(k) Final Calculation:-

1. Loss of Dependency	:	Rs.	49,14,000/-
2. Loss of Consortium	:	Rs.	1,76,000/-
3. Loss of Estate	:	Rs.	16,500/-
4. Funeral Expenses	:	Rs.	16,500/-
5. Loss of Domestic Care	:	Rs.	30,000/-
Total	:	Rs.	<u>51,53,000/-</u>

- (l) **Apportionment:-** The first petitioner being the husband is entitled to **Rs.45,53,000/-** and the petitioners 2 to 4 being the children are each entitled to **Rs.2,00,000/-** with proportionate interest and costs.

- (m) The petitioners have claimed only lesser amount. However, as per the judgment in *Nagappa Vs Gurudayal Singh and Others* (2002 INSC 504) just compensation shall only be awarded though lesser sum has sought for. The deficit court fees shall be paid by or on behalf of the petitioners.

- (n) Accordingly, this point is answered partly in favour of the petitioners.

16. Point No.2 in M.C.O.P.No.3886 of 2023: (INJURY)

- (a) Medical Board Report marked as Ex.C1 reveals that the petitioner suffers 11% permanent disability. However, the same is not shown as functional disability.

Hence, the disability will be compensated by applying percentage method. Our Honourable High Court in *M.Revanth Kumar vs. M/s., Sun-X- Concrete India Private Limited*, C.M.A.No.13 of 2025 has awarded Rs.10,000/- per percentage of disability for the accident of the year 2023. This accident is also of the year 2023. Therefore, the petitioner is entitled to **Rs.11,000/- X 11 = Rs.1,21,000/-** for **Disability**.

- (b) The petitioner is a student and hence, no question of **Loss of Income** arises.
- (c) Considering the severe head injury and other fractures for **Pain and Sufferings** a sum of **Rs.75,000/-** is awarded.
- (d) The petitioner had been admitted into hospital as in-patient for 43 days as per the Discharge Summaries marked as Exs.P16 and P17. Hence, the petitioner is entitled to **Rs.500 X 43 days = Rs.21,500/-** for **Attender Charges**.
- (e) For **Transport Charges** a sum of **Rs.5,000/-** is awarded.
- (f) For **Extra Nourishment** a sum of **Rs.10,000/-** is awarded.
- (g) For **Loss of Clothes** a sum of **Rs.3,000/-** is awarded.
- (h) For **Loss of Amenities**, considering the present position that he suffers only 11% of disability no sum is awarded.
- (i) The petitioner has produced medical bills to the tune of Rs.4,89,656/- restricted to Rs.3,77,471/- only. No doubt, he is entitled to the said restricted amount of Rs.3,77,491/- under the head of **Medical Expenses**.

(j) CALCULATION:

1. Disability	:	Rs.	1,21,000/-
2. Pain and Sufferings	:	Rs.	75,000/-
3. Attender's Charges	:	Rs.	21,500/-
4. Transport Charges	:	Rs.	5,000/-
5. Extra Nourishment	:	Rs.	10,000/-
6. Loss of clothes	:	Rs.	3,000/-
7. Medical Expenses	:	Rs.	3,77,491/-
Total Compensation is fixed at	:	Rs.	<u>6,12,991/-</u>

(k) Accordingly, this point is answered partly in favour of the petitioner.

17. MCOP.No.3568 of 2023:- (FATAL)

In the result,

- 1) this petition is allowed to award a sum of **Rs.79,23,250/- (Rupees Seventy Nine Lakhs Twenty Three Thousand Two Hundred and Fifty)** only with interest at the rate of 7.5 percent from the date of petition i.e., 21-07-2023 till the date of realization and costs, excluding the period of default if any. Out of the compensation the first petitioner being the wife is entitled to **Rs.18,75,000/-** and the petitioners 2 to 4 being the children are each entitled to **Rs.18,75,000/-** and the fifth petitioner being the mother is entitled to **Rs.4,23,250/-** with proportionate interest and costs. with proportionate interest and costs.
- 2) The said award amount including interest and costs shall be paid directly to the bank account of the claimants 1 and 5, the details of which are given below directly by the 2nd respondent within thirty days through net banking after

deducting the sum for deficit court fees if any which shall be paid/deposited before this tribunal by the second respondent within thirty days.

- 3) Since the petitioners 2 to 4 are minors, the 2nd respondent is directed to deposit the amount in a Nationalized bank with instruction to the bank to send the fixed deposit bond with MCOP number to this tribunal at once. The minor petitioners are entitled to get the said amount only after attaining majority. The guardian of the minor petitioner may draw interest of the said deposited amount once in 6 months purely for the benefit of the petitioners. The guardian/1st petitioner is instructed to open a joint bank account in the name of minor and guardian and the same shall be intimated to the insurance company and also to this tribunal within 15 days, so as to facilitate deposit of money into the minors account.
- 4) 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.
- 5) In case if the bank account of the claimants is/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.

6) 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
Mrs. Astalakshmi	UCO Bank, Sowcarpet	00420110060087 UCBA0000042	492538688180	AQEPT9695E

2nd Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
T.A. Tharan	Indian Bank, Besant Nagar	7902023525 IDIB000B068	903892218041	Not furnished

3rd Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
T.A. Taniskaa	Indian Bank, Besant Nagar	7902030349 IDIB000B068	611539252992	Not furnished

4th Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
T.A. Tharunika	Indian Bank, Besant Nagat	7902031003 IDIB000B068	558370796501	Not furnished

5th Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Mrs. Mala	Not furnished	Not furnished	862886669210	Not furnished

7) The 5th petitioner is hereby directed to furnish the self attested copy of Bank Pass book and PAN card and the guardian of the minor petitioners 2 to 4 are hereby directed to furnish the self attested copy of Bank pass book and PAN card of the minor to this tribunal and also to the 2nd respondent within a period of fifteen days from today without fail.

- 8) The court fee paid along with the petition is Rs.5,375/-.
- 9) The court fee for the award amount is Rs.78,605/-. The deficit court fee is Rs.73,230/-.
- 10) Advocate fee is Rs.86,233/-.
- 11) The 2nd respondent shall pay to the petitioner a sum of Rs.1,64,898/- towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	16-06-2023
Date of taken up on file	-	21-07-2023
Compensation claimed in the M.C.O.P.	-	Rs.95,00,000/-
Compensation awarded in this petition	-	Rs.79,23,250/-
Court fee paid along with the petition	-	Rs.5,375/-
Court fee payable on the award amount	-	Rs.78,605/-
Additional court fee to be paid	-	Rs.73,230/-
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	-	78,605	.	00	
Stamp on Vakalat	-	10	.	00	

STATEMENT OF COSTS

Stamp for process	-	50 . 00	-- not filed --
Advocate fees		86,233 . 00	
Costs allowed	-	1,64,898 . 00	

18. MCOP.No.3569 of 2023:-

In the result,

12) the petition is partly allowed to award a sum of **Rs.51,53,000/- (Rupees Fifty One Lakhs Fifty Three Thousand)** with interest at the rate of 7.5 percent from the date of petition i.e., 21-07-2023 till the date of realization and costs, excluding the period of default if any. Out of the compensation, the first petitioner being the husband is entitled to **Rs.45,53,000/-** and the petitioners 2 to 4 being the children are each entitled to **Rs.2,00,000/-** with proportionate interest and costs.

13)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.

14) 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.

15) 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.

16) 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
Mr.L. Munusamy	UCO Bank, Sowcarpet	00420110061053 UCBA0000042	845895676822	DZXPM5733F

2nd Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Mrs. Vidhya	IOB, Mogappair	169501000040055 IOBA0001695	236609381827	BICPV0553N

3rd Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Mrs. Saranya	Canara Bank, Maduravoyal	110022595548 CNRB0016046	913350147337	JBOPS5041D

4th Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Ms. Gajalakshmi	IOB, Mogappair	169501000023438 IOBA0001695	442807614204	CJZPG0520K

17) The Court fee paid along with the petition is Rs.375/-.

18) The Court fee for the award amount is Rs.50,903/-. The deficit court fee is

Rs.50,528/-.

19) Advocate fee is Rs.58,530/-.

20) The 2nd respondent shall pay to the petitioners a sum of Rs.1,09,493/- towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	16-06-2023
Date of taken up on file	-	21-07-2023
Compensation claimed in the M.C.O.P.	-	Rs.45,00,000/-
Compensation awarded in this petition	-	Rs.51,53,000/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.50,903/-
Additional court fee shall be paid	-	Rs.50,528/-
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	-	50,903	00			
Stamp on Vakalat	-	10	00			
Stamp for process	-	50	00	-- not filed --		
Advocate fees		58,530	00			

STATEMENT OF COSTS

Costs allowed - 1,09,493 . 00

19. MCOP.No.3886 of 2023:-

In the result,

21)the petition is partly allowed to award a sum of **Rs.6,12,991/- (Rupees Six Lakhs Twelve Thousand Nine Hundred and Ninety One)** only with interest at the rate of 7.5 percent from the date of petition i.e., 07-08-2023 till the date of realization and costs, excluding the period of default if any.

22)Since the claimant is a minor, the 2nd respondent is directed to deposit the amount in a Nationalized bank with instruction to the bank to send the fixed deposit bond with MCOP number to this tribunal at once. The minor petitioner is entitled to get the said amount only after attaining majority. The guardian of the minor petitioner may draw interest of the said deposited amount once in 6 months purely for the benefit of the petitioner. The guardian/1st petitioner is insructed to open a joint bank account in the name of minor and guardian and the same shall be intimated to the insurance company and also to this tribunal within 15 days, so as to facilitate deposit of money into the minor's account.

23)The award amount shall be deposited after deducting the deficit court fees if any which shall be paid/deposited before this tribunal by the second respondent within thirty days.

24)The insurance company shall intimate this tribunal about the payment of court

fees as well as the payment of compensation to the claimant with a copy of proof of the transaction details immediately after the compliance.

25) In case if the bank account of the claimant is inoperative/not opened, the same shall be intimated by the insurance company to the claimant under intimation to this tribunal with proof, in which event the claimant 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 claimant.

26) Bank Account Details of the Claimant is as follows:

Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
T.A. Tharan	Indian Bank, Besant Nagar	7902023525 IDIB000B068	903892218041	Not furnished

27) The guardian of the minor petitioner is hereby directed to furnish the self attested copy of Bank Pass book and PAN card of the minor to this tribunal and also to the 2nd respondent within a period of fifteen days from today without fail.

28) The court fee paid along with the petition is Rs.375/-.

29) The court fee for the award amount is Rs.5,502/-. The deficit court fee of Rs.5,127/-.

30) Advocate fee is Rs.13,130/-.

31) The 2nd respondent shall pay to the petitioner a sum of Rs.18,692/- towards the

costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	16-06-2023
Date of taken up on file	-	07-08-2023
Compensation claimed in the M.C.O.P.	-	Rs.45,00,000/-
Compensation awarded in this petition	-	Rs.6,12,991/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.5,502/-
Additional court fee to be paid	-	Rs.5,127/-
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	-	5,502	.	00	
Stamp on Vakalat	-	10	.	00	
Stamp for process	-	50	.	00	-- not filed --
Advocate fees		13,130	.	00	
Costs allowed	-	18,692	.	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 steno

typist, transcribed by her, corrected and pronounced by me in the open Court, on this 30rd day of July 2026.

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

Petitioners Side Witnesses:

P.W.1 : Mrs. Astalakshmi
P.W.2 : Mrs. Vidhya
P.W.3 : Mr. Vadivel
P.W.4 : Mr. Divakar

Petitioner Side Documents:

Ex.P1	FIR	Copy
Ex.P2	Rough Sketch	Copy
Ex.P3	Postmortem certificate of deceased Thirumal	Copy
Ex.P4	Death certificate of Thirumal	Copy
Ex.P5	Registration certificate of Shop (Form B)	Copy
Ex.P6	Registration certificate of Shop (Form D)	Copy
Ex.P7	Income tax returns	Copy
Ex.P8	PAN card of deceased Thirumal	Copy
Ex.P9	TC of deceased Thirumal	Copy
Ex.P10	Legal heir certificate of deceased Thirumal	Copy
Ex.P11	Final report	Copy
Ex.P12	Aadhar card of petitioners in MCOP.3568/2023	Copy
Ex.P13	Bank pass book of petitioners 1 to 4 in MCOP.3568/2023	Copy
Ex.P14	PAN card of 1 st petitioner in MCOP.3568/2023	Copy
Ex.P15	Accident Register of deceased Thirumal	Copy
Ex.P16	Discharge summary issued by CMC, Vellore of petitioner in MCOP.3888/2023	Copy
Ex.P17	Discharge summary issued by CMC, Vellore of petitioner in MCOP.3886/2023	Copy
Ex.P18	Medical bills	Original

Ex.P19	Aadhar card of petitioner in MCOP.3886/2023	Copy
Ex.P20	Bank pass book of petitioner in MCOP.3886/2023	Copy
Ex.P21	Postmortem certificate deceased Ezhilarasi	Copy
Ex.P22	Death certificate of deceased Ezhilarasi	Copy
Ex.P23	Payslips of deceased Ezhilarasi	Copy
Ex.P24	Bank statement of deceased Ezhilarasi	Copy
Ex.P25	Aadhar card and PAN card of deceased Ezhilarasi	Copy
Ex.P26	Legal heir certificate of deceased Ezhilarasi	Copy
Ex.P27	Aadhar card of petitioners in MCOP.3569/2023	Copy
Ex.P28	Bank pass book of petitioners in MCOP.3569/2023	Copy
Ex.P29	PAN card of petitioners in MCOP.3569/2023	Copy
Ex.P30	Court summons	Original
Ex.P31	Authorization letter of PW3	Original
Ex.P32	Employee ID card of PW3	Copy
Ex.P33	Offer letter	Copy
Ex.P34	Confirmation letter	Copy
Ex.P35	Pay slips	Copy
Ex.P36	Driving licence of PW4	Copy

2nd Respondent Side Witness:-

CW1 - Mr. Prabakaran

2nd Respondent Side Document:-

Ex.X1	Driving licence	Copy
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Court Side Document:

Ex.C1 : Disability Certificate issued by the Medical Board in MCOP.3886/2023

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