



V Court of Small Causes, Chennai
Date:11.08.2026

MCOP.No.3925/2023

**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

Tuesday, this the 11th day of August 2026

MCOP No.3925/2023

CNR No.TNCH09-007766-2023

1. Kamesh Kumar,
aged about 35 years
S/o. Annadurai @ Munusamy,
No.48, Mariyamman koil street,
Patta Village, Thirumukkudal,
Kanchipuram - 631 606.

2.Revathi,
aged about 33 years,
W/o. Hari,
No.60, Mairyamman Koil street,
Mettu Colony, Kuppayanallur,
Uthiramerur, Kanchipuram - 603 406.

3. Rekha,
aged about 31 years,
W/o. Anandan,
No.28/30, Srinivasa Perumal Koil street,
Kodungaiyur, Chennai - 600 118.

...Petitioners

Vs.

1. A. Kalaiselvan,
S/o. Annamalai,
No.1/30, Nayakkar street,
Kadali, Villupuram - 604 210.



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2. The Cholamandalam MS General Insurance Company Ltd.,
2nd floor, Dare House,
No.2, NSC bose road,
Chennai - 600 001.

... Respondents

This petition came up on **03.08.2026** for final hearing before me in the presence of **M/s. K. Dilith Kumar, I. Balamurugan, S. Kalaivani and M.M. Raja** Counsels for the petitioners and **Mr. E. Rajadurai** Counsel for the second respondent and the **first respondent called absent set exparte** 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.20,00,000/-** with interest and costs.

1. Brief averments in the petition:

The petitioner submitted that on 13.01.2023 at about 10.30 pm while the 2nd petitioner was riding a motorcycle bearing Reg. No. TN 21 BJ 5933 along with deceased as pillion rider proceeding from Vedapalayam to Kuppayanallur by TVS Jupiter scooter, near Nangaiyuarkulam, Uthirmerur one Bajai Pulsar 150 bike bearing Reg. No. TN 16 V 4005 came back of the deceased vehicle with high speed and rash manner and negligently dashed the deceased vehicle and the deceased pillion rider sustained the head injuries and grievous injuries all over the body. The deceased was admitted to Chengalpattu Govt hospital for treatment and was declared brought dead.



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The accident occurred due to rash and negligent act of the driving of the first respondent motorcycle rider. Hence the first respondent being the owner and the second respondent being the insurer of that motorcycle are liable to pay compensation to the petitioner.

2. Brief averments in the counter of 2nd respondents :

The 2nd respondent denied all the allegations except those that are specifically admitted in the counter and put to strict proof of the same. The place, date and time of accident, nature of injuries are denied. The relationship of the petitioners to the deceased is specifically denied. The compensation amount claimed by the petitioner is highly excessive. The manner of accident is denied. The motorcycle rider was not holding the valid driving license to ride the motorcycle. Hence prayed for dismissal.

3. Evidence:

The 1st petitioner was examined as PW1 and marked Ex.P1 to Ex.P16 and third party witness was examined as PW2 and marked Ex.P17. On the side of 2nd respondent, the insurance company official was examined as RW1 and marked Ex.R1 to Ex.R3. The 2nd respondent filed petition u/s 170 MV Act and allowed.

4. Points for determination :

1)	Whether the accident occurred due to the rash and negligent driving of the 1 st respondent motorcycle rider ?
2)	Whether the 1 st respondent motorcycle rider was having valid driving license and whether the said vehicle was covered under valid insurance and proper documents, as



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	contemplated under the M.V. Act at the time of accident?
3)	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 relative namely Hari to Uthiramerur Police Station and Ex.P1 FIR was registered in Crime No.17/2023 u/s. 279, 337 and 304(A) IPC against the 1st respondent motorcycle rider. On completion of investigation the police filed Ex.R3 Final Report against the first respondent motorcycle rider u/s 279 and 304(A) IPC, 185 MV Act. The 1st respondent remained exparte. Though the insurance company official was examined as RW1, no contra evidence was let in with regard to the manner of the accident. Considering the same, this Tribunal holds that the accident occurred due to the rash and negligent riding of the 1st respondent motorcycle rider. The 2nd respondent has contended that the deceased, pillion rider was not wearing helmet and hence contributed to fatal accident. PW2, an independent eyewitness, has admitted in his cross examination that the head injury could have been avoided if the deceased had wore helmet. This proves that the deceased was not wearing helmet and thereby sustained head injuries and resulted in fatal accident. Hence contributory negligence on the part of deceased is fixed as 10%. The point No.1 is decided accordingly.



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6. Point No.2:

In this point it has to be ascertained whether the 1st respondent motorcycle rider had valid driving license and the vehicle had insurance at the time of accident. On the side of the petitioners Ex.P4 driving license of the first respondent rider, Ex.P3 RC book, Ex.P2 insurance policy and Ex.P8 MV report have been marked. A perusal of Ex.P2 shows that the vehicle was covered by a valid insurance policy and RW1 has also admitted that the policy was in existence at the time of accident. Though the 2nd respondent has contended that the deceased vehicle driver had no driving license and under influence of alcohol no proof is filed to substantiate the same. Further the RTO was not examined in this regard. Since the driver of the offending vehicle driver had valid driving license and the vehicle was duly insured and the insurer has not produced any evidence to establish breach of policy conditions, this Tribunal is of the view that the motorcycle involved in the accident was under the cover of insurance at the time of accident and all documents are in order. The point No.2 is decided accordingly.

7. Point No.3:

i) Cause of Death:

The accident occurred on 13.01.2023 and the deceased died on the same day while in hospital. The postmortem memorandum marked as Ex.P5 shows that the deceased died due to head injuries sustained in road accident. Hence it is proved that the deceased died due to the accident injuries.



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ii) Dependency to the deceased:

The petitioners stated that the 1st petitioner is the son of the deceased and 2nd and 3rd petitioners are the married daughters of the deceased and they are the legal heirs to the deceased. In support to their claim the petitioners marked Ex.P7 legal heir certificate issued by the Thasildar, Uthiramerur. Hence this Tribunal holds that the petitioners 1 to 3 alone 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 the deceased was aged 57 at the time of the accident. The Ex.P13 Aadhar card of the deceased shows her date of birth as 15.08.1966. Since the accident occurred on 13.01.2023, the age of the deceased is fixed as **57 years**.

iv) Monthly income of the deceased:

In the claim petition, though it has been stated that at the time of the accident the deceased was a Cooli and earned Rs.600/- per day, there is no proof for occupation or income. Hence this Tribunal is inclined to fix notional income. Considering the age of the deceased and year of accident, prevailed working atmosphere her monthly income is notionally fixed as **Rs. 17,500/-** 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* the future prospects for the age group of above 50-60 non permanent job is



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10% . Hence a sum of Rs.1750/- to be added with monthly income, Thus, the annual income of the deceased is arrived as Rs.2,31,000/- (19,250 x 12)

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

As per the judgments of the Hon'ble Supreme Court in *New India Assurance Company Ltd., Vs Vinish Jain and others (AIR online 2018 SC 605)*, *National Insurance Company Ltd., Vs Birander and other (AIR 2020 SC 437)*, *Deep Shikha and another Vs National Insurance Company Ltd., (2025 INSC 675)* and Hon'ble High Court Madras judgment in *United India Insurance Company Ltd., Vs M. John and others (CMA No. 1174/2025 and CMA No. 793/2025 dated 02.06.2025)* it is held that the claimants, who are all major sons of the deceased cannot be held to be fully dependent on the deceased and hence, 50% of the amount shall be deducted from the compensation amount under the head loss of dependency. In the present case the claimants are major married son and married daughters of the deceased. Hence in the absence of any proof that they are fully dependent on the deceased, this Tribunal is inclined to deduct 50% of the amount under the head loss of dependency. As such, 50% of the amount of Rs.2,31,000/- is Rs.1,08,000/- and the same is deducted from the annual income of the deceased and the balance **Rs.1,15,500/-** 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



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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 57 at the time of death the multiplier for the age group of 56-70 will be M- 9. Therefore, the total loss of dependency is arrived as **Rs.10,39,500/-** (Rs.1,15,500 x 9)

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 entitled for Rs.40,000/- towards loss of 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***



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the petitioners are entitled to **Rs.15,000/-** under the head of "**Funeral expenses**".

xi) Medical Expenses:

The petitioner side did not mark the medical bills for the treatment and hence no amount was awarded towards medical expenses.

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

Loss of dependency	Rs.10,39,500/-
Loss of Consortium	Rs. 1,20,000/-
Loss of Estate	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-
Medical bills	Nil
Total	Rs.11,89,500/-

Contributory Negligence-

As discussed and decided in para No.5 the contributory negligence of the deceased is fixed as 10% and hence the 2nd respondent insurance company is liable to pay the 90% of the award amount with interest, costs. Thus, the petitioners are entitled for a sum of **Rs.10,70,550/-** ($\text{Rs.11,89,500} \times 90/100 = \text{Rs.10,70,550/-}$)

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.10,70,550/-** would be a just compensation to the death of deceased in road accident.



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

(i)	An award of Rs.10,70,550/- (Rupees Ten Lakhs seventy thousand and five hundred fifty only) is passed in favour of the petitioner with interest at 7.5% p.a. from the date of petition i.e., 08.08.2023 to till the date of payment payable by the 2 nd respondent with costs. Out of total award amount, the petitioners are entitled to Rs.3,56,850/- each and with proportionate interest and costs,
(ii)	There will be no interest for the default period if any.
(iii)	In accordance with the guidelines laid down by the Hon'ble Supreme Court of India in <i>Parminder Singh Vs. Honey Goyal & others, reported in 2025 (1) TN MAC 533 (SC)</i> , and directions of Hon'ble High Court, Madras in <i>Oriental Insurance Co. Ltd. v. D. Salsa in CMA No. 2064 of 2026 judgment dated 08.07.2026</i> , the 2 nd respondent is hereby directed to deposit the award amount as stated above by Direct Bank Transfer (NEFT/RTGS) directly into the bank account of the petitioner within two months. 1st petitioner bank account No.41669967336, State Bank of India, Walajabad branch, IFSC code-SBIN0016285, 2nd petitioner bank No. 849872761, Indian Bank, Uhiramerur branch, IFSC code-IDIB000U032, 3rd petitioner bank Account No.719818272, Central Co-Operative Bank, Madhavaram branch, IFSC code-TNSC0010200.
(iv)	The petitioner has paid a sum of Rs. 375/- towards Court fee. As per this award, the Court fee is Rs.9705.5/- The Advocate fee is fixed at



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	Rs.17,705.5/- . The Additional Court fee of a sum of Rs.9330.5/- shall be paid within 15 days.
(v)	The costs including Advocate fees for a sum of Rs.17,705.5/- and deficit court fees for a sum of Rs.9,330.5/- to be paid by 2 nd respondent within 15 days distinct and separately to Tribunal 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.
(vi)	After depositing the amount mentioned in column No.III and V, the 2 nd respondent shall intimate the same to this Tribunal along with UTR Number and MCOP Number via Email ID chnccc.scc5-tn@indiancourts.nic.in within 48 hours of such deposit followed by physical proof of deposit on proper acknowledgment.

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 11th day of August 2026.

(M. SHAKKIRA BANU)
V JUDGE
COURT OF SMALL CAUSES
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Petitioner's side Witnesses: -

S.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	22.09.2025	Kamesh (1st petitioner)	Ex.P1-Ex.P16
PW2	07.04.2026	Ganapathy (eye witness)	Ex.P17



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Petitioner side Exhibits: -

Sl No.	Date	Document Particulars	Document Type
Ex.P1	14.01.2023	First information report	Photocopy
Ex.P2	--	Insurance policy of the first respondent vehicle	Photocopy
Ex.P3	--	RC book of the first respondent vehicle	Photocopy
Ex.P4	--	Driving license of the first respondent driver.	Photocopy
Ex.P5	--	Postmortem certificate	Photocopy
Ex.P6	--	Death certificate	Photocopy
Ex.P7	--	Legal heir certificate	Photocopy
Ex.P8	--	MV report	Photocopy
Ex.P9	--	Sketch	Photocopy
Ex.P10	--	1 st petitioner Aadhar card	Photocopy
Ex.P11	--	2 nd petitioner Aadhar card	Photocopy
Ex.P12	--	3 rd petitioner Aadhar card	Photocopy
Ex.P13	--	Aadhar card of the deceased	Photocopy
Ex.P14	--	1 st petitioner Bank pass book	Photocopy
Ex.P15	--	2 nd petitioner Bank pass book	Photocopy
Ex.P16	--	3 rd petitioner Bank pass book	Photocopy
Ex.P17	--	PW2 Aadhar card	Photocopy

2nd Respondent side Witness:

S.No.	DATE	NAME OF THE WITNESSES	REMARKS
RW1	17.07.2026	Kamalakaran (insurance company official)	Ex.R1 to Ex.R3



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2nd Respondent side Exhibits:

Sl No.	Date	Document Particulars	Document Type
Ex.R1	--	Authorization letter	Photocopy
Ex.R2	--	Insurance policy	Photocopy
Ex.R3	28.03.2023	Final report	Photocopy

Court Document : - Nil

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

OTHER PARTICULARS

Date of filing of the petition	08.08.2023
Date of Award	11.08.2026
Amount Claimed under Compensation	Rs.20,00,000/-
Amount Awarded as Compensation	Rs.10,70,550/-
Total Court Fees	Rs.9705.5/-
The Court Fee already paid	Rs. 375/-
Balance Court Fee to be paid	Rs.9,330.5/-



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Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs.9705.5/-
Vakalath	Rs. 10.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs.17,705.5/-
TOTAL	Rs.27,461/-

**(M. SHAKKIRA BANU)
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