BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL

(III COURT OF SMALL CAUSES, CHENNAI)

Present: Shri. M.DHARMAPRABU, M.A., M.L.,

III Judge, Court of Small Causes

Tuesday, the 07th day of July 2026

Motor Accidents Claims Original Petition No.1883 of 2023

CNR NO : TNCH09-001510-2023

1. Malli.R,
2. Arunpandiyan.R,
3. Vinithra.R,
4. Vasantha Kumar.R.

All are residing at:
No.3/a, Anna Street, Athur Village,
Chozhavaram, Chennai – 600 067. …Petitioners

-Vs-

1. Vetrivelan.T, S/o. Thankavel,
No.1/59A, GNT Road, Karanodai,
Thiruvallur – 67.

2. Shriram General Insurance Co. Ltd.,
3rd Floor, 'C' No.4, Mookambika Complex,
Desika Road, Mylapore, Chennai – 600 004. …Respondents

Appearance:

M/s.R.Nandakumar & Others, Counsels appearing for the Petitioners.

1st Respondent: Have been set *exparte*

M/s.V.Pushpa, Counsel appearing for the 2nd respondent.

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Upon perusing the entire records, I passed the following

AWARD

The petition has been filed under Section 166 of the Motor Vehicles Act seeking compensation of Rs.40,00,000/- for the death of one Ravi.

2. Crux of the petition:

The deceased aged about 56 years was running Lorry Transport and Seasonal business and was earning a sum of Rs. 60,000/- per month. On 09.08.2022 at about 18.40 hours, while the deceased was carefully riding his motorcycle bearing Registration No. TN 02 AW 7519 near CP Aqua Culture company at Vijayanallur, a Tata Ace bearing registration number TN 04 AQ 2910 which was driven by its driver in a rash and negligent manner from Chennai to Solavaram and dashed against the deceased due to which the deceased was thrown away and sustained fatal injuries and he was taken to the Hospitals where he died on 14.08.2022. In respect of the accident, a criminal case was registered in Crime No. 641 of 2022 on the file of E5 Solavaram Police Station. The 1st respondent is the owner of the offending Tata Ace and the 2nd respondent is its insurer. The 1st petitioner is the wife of the deceased and the petitioners 2 to 4 are the children of the deceased. Hence, the Petition.

3. Counter of the defense of the 2nd Respondent:

The averments contained in the claim petition are denied. The manner of the accident as alleged by the petitioners is denied. Driver of Tata Ace was not having valid driving license at the time of accident. The vehicle has no fitness certificate and insurance. Therefore, there is a breach of violation of policy conditions. Age, income and occupation of the deceased are denied. The deceased was not wearing helmet and he sustained head injuries leading to death and thus he is the tort-feasor. The compensation claimed is excessive, exorbitant and without any basis. The Claim petition was filed on 19.07.2023 after limitation of six months and in view of the Amended Act, the Petition is liable to be dismissed. In any event, the 2nd respondent is not liable to pay any compensation. Hence, the petition is liable to be dismissed.

4. Points for Consideration:

1. On whose negligence did the accident occur?
2. Whether the petitioners are entitled to compensation? If so, to what quantum?
3. Which of the respondents is liable to pay the compensation?

5. On the side of the petitioners, the 2nd petitioner was examined as PW1 and Ex.P1 to P16 were marked. An Eye-witness Rajesh was examined as PW2 and Ex.P17 was marked. On the side of the second respondent, an application under Section 170 of the Motor Vehicles Act was filed and allowed, however, no oral and documentary evidence was adduced.

6. Answer to Point No. 1:

(a) The petitioners have examined PW2, Rajesh, as an eyewitness. His evidence that the Tata Ace was driven rashly and negligently has remained unshaken. Further, Ex.P1 Final Report has been laid against the driver of the offending Tata Ace. Though the 2nd Respondent pleaded that the deceased was negligent as he was not wearing a helmet, it cannot be said that it forms a ground for the accident, nevertheless the non-wearing of helmet would be a reason for the head injuries and death, but that does not mean that it is the contribution to the accident. Appropriate deduction will be made for the reasons stated *infra.*

(b) Likewise, the contention regarding limitation is devoid of merits. The records disclose that the claim petition was presented on 06.02.2023, within six months from the date of the accident (09.08.2022), and was subsequently returned and represented. Hence, this Tribunal holds that the accident occurred solely due to the rash and negligent driving of the driver of the Tata Ace bearing Registration No. TN 04 AQ 2910. Accordingly, Point No.1 is answered in favour of the petitioners.

7. Answer to Point No. 2:

(a) The deceased was aged **56 years** at the time of the accident, as evidenced by Ex.P8 Aadhaar Card, which records his date of birth as **02.09.1965**. The petitioners have claimed that the deceased was engaged in lorry transport and seasonal business earning Rs. 60,000/- per month. However, there is no proof to show the same. In the absence of the above, it is necessary to fix notional income. In ***The Managing Director, Tamil Nadu Transport Corporation, (Coimbatore Division II) Ltd., Erode v. P.Jagannathan & Anr.,*** **CDJ 2018 MHC 6400,** it has been emphasised by the Hon'ble High Court to fix the income on the basis of the inflation index by following the judgment of Hon'ble Apex Court in ***Syed Sadiq v. United India Insurance Co. Ltd.,*** **MANU/SC/0033/2014 : (2014 (1) TNMAC 459)**, in which the income of vegetable vendor was fixed at Rs. 6,500/- who sustained injuries in the accident in the year 2008. Followed by the Hon'ble Division Bench of our High Court in ***Andal @ Ors. v. Avinav Kannan & Anr.,*** **2019 (1) TNMAC 54** and also very recently upheld by the Hon'ble Division Bench of High Court in ***Sree Ram General Insurance Co. Ltd., v. Ravikumar & Ors.,*** **MANU/TN/3135/2022**.

(b) Applying the said principles, in the instant case, the accident occurred during the financial year 2022–2023, for which the Cost Inflation Index is 331, the monthly income would work out to Rs. 16,678/-. Accordingly, this Tribunal fixes the monthly income of the deceased at **Rs. 17,000/-**, which is found to be just and reasonable.

(c) As the deceased was aged **56 years**, an addition of **10%** towards future prospects is warranted in terms of the principles laid down in ***National Insurance Co. Ltd. v. Pranay Sethi,*** **(2017) 16 SCC 680.** Thus, the monthly income is enhanced to Rs. **18,700/-**. After deducting **one-fourth** towards the personal and living expenses of the deceased, there being four legal representatives, the monthly contribution to the family is taken at **Rs. 14,025/-**. Applying the multiplier of **9**, the loss of dependency is calculated at **Rs. 15,14,700/-** (Rs.14,025 × 12 × 9).

(d) The first petitioner, being the wife of the deceased, is entitled to

Rs.48,400/- towards spousal consortium. Petitioners 2 to 4, being the children of the deceased, are each entitled to **Rs. 48,400/-** towards parental consortium, aggregating to **Rs. 1,45,200/-**. The petitioners are further entitled to **Rs. 18,150/-** towards loss of estate and **Rs. 18,150/-** towards funeral expenses. Though the fourth petitioner is a married son, he is nevertheless a legal representative entitled to maintain the claim. However, his marital status shall be taken into consideration while apportioning the compensation.

(e) Accordingly, the compensation payable is computed as follows:

S. No.	**Head of Compensation**	**Amount (Rs.)**
1.	Loss of Dependency	15,14,700
2.	Spousal Consortium	48,400
3.	Parental Consortium (3 x 48,400)	1,45,200
4.	Loss of Estate	18,150
5.	Funeral Expenses	18,150
	Total	17,44,600
	Rounded off	**17,44,000**

(f) Accordingly, the Petitioners are entitled to a compensation of **<u>Rs.17,44,000/- (Rupees Seventeen Lakhs and Forty Four Thousand only).*</u>**

(g) Regarding apportionment, the award amount shall be apportioned among the petitioners in the following manner : **46%** to the **1st petitioner**, being the wife of the deceased; **20% each** to the **2nd and 3rd petitioners**; and the remaining **14%** to the **4th petitioner**, who is the married son of the deceased. The comparatively lesser share allotted to the 4th petitioner is having regard to the fact that he is married and is not shown to have been financially dependent on the deceased. Accordingly, the point is answered.

8. Answer to Point No. 3:

The 2nd Respondent contended that there was a breach of the policy conditions on account of the absence of a valid permit and fitness certificate. As already held under Point No.1, the 1st Respondent's driver was found negligent. Ex.R2 shows that the offending lorry was covered by a valid insurance policy on the date of the accident. Therefore, the first respondent, being the owner, and the second respondent, being the insurer of the offending lorry, are jointly and severally liable to pay the compensation. However, the second respondent, being the insurer, shall indemnify the first respondent. Accordingly, Point No.3 is answered in favour of the petitioners.

9. Result :

In fine,

(a) The Petition is partly allowed;

(b) The Petitioner is awarded a compensation of **Rs.17,44,000/- (Rupees Seventeen Lakhs and Forty Four Thousand only)*** with interest at a rate of 7.5% p.a. from the date of filing of the petition till the date of deposit excluding the period of dismissal for default, if any;

(b) Out of the above compensation, **46%** to the **1st petitioner**, **20% each** to the **2nd and 3rd petitioners**; and the remaining **14%** to the **4th petitioner.**

(c) The 2nd Respondent is directed to deposit the said compensation amount in the **Tribunal's Account "Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai" within two months;**

(d) Upon such deposit, the 2nd Respondent is directed to send a copy of **Bank Advice** to this Tribunal and a copy of the same to be sent to the Petitioner;

(e) On petition for withdrawal of the amount, excluding the Costs, Advocate Fees, etc., the rest of the amount shall be transferred to the Petitioners'/claimants' bank account details of which are furnished below through RTGS/NEFT.

(f) The petitioners are directed to deposit the **deficit court fees** for the award amount **within two weeks** from the date of this order, if not already paid and only on such deposit, the Petitioner is entitled for disbursement;

(g) The Advocate fees is fixed as **Rs. 24,440/-.***

REQUIRED PARTICULARS

1.	Date of Presentation	06-02-2023	
2.	Date of filing	13-04-2023	
3.	Compensation Claimed	Rs.	40,00,000/-
4.	Court fees paid	Rs.	375/-
5.	Compensation Awarded	Rs.	**17,44,000/-***
6	Court Fees payable on the Award	Rs.	**16,812.50/-***
7.	**Deficit Court fees Payable (6-4)**	**Rs.**	**16,437.50/-***
8.	Petitioner's Bank Name and Branch	1st Petitioner – Indian Bank, Madras High court 2nd Petitioner – City Union Bank, Azhinjivakkam. 3rd Petitioner – IDBI Bank, Karanodai. 4th Petitioner – Canara Bank, Karanodai.	
9.	Petitioner's Account number and IFSC code	1st Petitioner – 8014547041, IDIB000M157 2nd Petitioner – 500101013481979, CIUB0000657 3rd Petitioner – 2028104000100953, IBKL0002028. 4th Petitioner – 110202503690, CNRB0001492.	
10.	Petitioner's Aadhar	1st Petitioner – 7701 1913 4273 2nd Petitioner – 3155 8525 7538 3rd Petitioner – 9634 2779 3139 4th Petitioner – 4870 4609 4420	
11.	Petitioner's PAN	1st Petitioner – FOJPM6586P 2nd Petitioner – Not clearly 3rd Petitioner – Not clearly 4th Petitioner – BVAPV6938G	
12.	Default period, if any	---	

Additional court fee paid, MP SR.No......………….......; dated

STATEMENT OF COSTS

For the Petitioners						For the Respondents	
		Rs.		P.		Rs.	**P.**
Stamp on petition	-	**16,812***	.	00			
Stamp on Vakalat	-	20	.	00			
Stamp for process	-	40	.	00		-- not filed --	
Advocate fees	-	**24,440***	.	00			
Costs allowed	-	**41,312***	.	00			

//Dictated to the Steno typist, typed by him in the computer directly, corrected and pronounced by me in the open Court, on this Tuesday, the 07th day of July 2026.//

Sd./- M.Dharmaprabu
III Judge
Court of Small Causes, Chennai.

Petitioner's side Witness:

P.W.1 : Mr. Arun Pandiyan, Petitioner
P.W.2 : Mr. Rajesh

Petitioner's side Exhibits:

Ex.P1 : Final Report
Ex.P2 : Death Certificate
Ex.P3 : Post-Mortem Certificate
Ex.P4 : Legal Heir Certificate
Ex.P5 : 1st respondent Vehicle Insurance Policy
Ex.P6 : Driving License of the driver
Ex.P7 : Accident Register
Ex.P8 : Aadhar card of the deceased
Ex.P9 : 1st Petitioner Aadhaar Card & PAN Card Copy
Ex.P10 : 2nd Petitioner Aadhaar Card & PAN Card Copy
Ex.P11 : 3rd Petitioner Aadhaar Card & PAN Card Copy
Ex.P12 : 4th Petitioner Aadhaar Card & PAN Card Copy
Ex.P13 : 1st Petitioner Bank Passbook Copy

Ex.P14 : 2nd Petitioner Bank Passbook Copy
Ex.P15 : 3rd Petitioner Bank Passbook Copy
Ex.P16 : 4th Petitioner Bank Passbook Copy
Ex.P17 : Aadhar card of PW2

2nd Respondent side Witness: Nil

2nd Respondent side Exhibits: Nil

Sd./- M.Dharmaprabu
III Judge
Court of Small Causes, Chennai.

Note:

(a) In view of Sub-rule 6 of Rule 20 of TNMAC Rules, 1989 and **M/S.Cholamandalam MS Genl. Ins Co Ltd. v. Mr. Ayyanar & Ors., Tr.CMP. No. 264-281/2020 dt. 11.05.2020**, Drafting of Decree has been dispensed with by direction of the Hon'ble High Court.

(b) Advocate Fees are fixed fixed by the Tamil Nadu State Legal Authority Act Circular dated 17.10.2016 and Rule 20(5) of Tamil Nadu Motor Vehicles Accident Claims Tribunal Rules 1989.

(c) Digitally Signed copy of the Award shall be utilized for all the purposes.

***In view of memo filed by the Petitioner and as per Order dated 13.07.2026, the typographical errors are rectified and necesary amendments were carried out. This Order is to be digitally signed and uploaded in CIS. This Order shall be read along with the Order already uploaded on 07.07.2026 and utilized for all purposes.**

DHARMAPRABU M

Digitally signed by DHARMAPRABU M
Date: 2026.07.14 16:37:53 +0530