

IN THE COURT OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(SUBORDINATE JUDGES COURT), SATHYAMANGALAM

PRESENT: Tmt.K.S.Shabeena, M.L.
Subordinate Judge, Sathyamangalam.

Tuesday, the 10th day of March 2026
(2056 Thiruvalluvarandu Visuvavasuv varudam Maasi Thingal 26th day)

M.C.O.P. No.137/2019
CNR No.TNED 050001582019

(a)	Name and address of the claimant/petitioner(s)	1. Shanmugam, aged about 41 years, S/o.Tharuman, residing at D.No.36, Sugumar Nagar West, Tha.Ka.Market, Tiruppur District. 2. Krishnammal, aged about 32 years, W/o.Shanmugam, residing at D.No.36, Sugumar Nagar West, Tha.Ka.Market, Tiruppur District.
(b)	Name and address of the respondents	1. Muthukumar, aged about 22 years, S/o.M.R.Malaisamy, residing at D.No.46, Kamatchi Amman Nagar, Nallur, Tiruppur District. 2. M.R.Malaisamy, aged about 49 years, S/o.Ramasamy, residing at D.No.46, Kamatchi Amman Nagar, Nallur, Tiruppur District. 3. The Branch Manager, United India Insurance Company Limited, Head Office, D.No.24, Whites Road, Chennai, Its Micro Office D.No.172, DAS Complex, Mysoru Main road, Sathyamangalam.
(c)	Name and address of the Insurance company	The Branch Manager, United India Insurance Company Limited, Head Office, D.No.24, Whites Road, Chennai.

(d)	Name and address of the Transport Corporation or such other respondents who are held liable to pay	: Not applicable
(e)	Date of filing of the petition	: 12.02.2019
(f)	Date of award	: 10.03.2026
(g)	Amount of Award	: Rs.8,26,000/-
(h)	Interest rate applicable	: 7.5% per annum
(i)	Interest payable from	: 12.02.2019
(j)	Costs, if any	: <ul style="list-style-type: none"> 1. Stamp of Vakalath Rs. 10/- 2. Stamp for documents Rs. 80/- 3. Stamp for Batta Memo Rs. 10/- 4. Court fee Rs. 7,633/- 5. Advocate fee <u>Rs.15,260/-</u> <p style="text-align: right;">Total = Rs.22,993/-</p>
(k)	In cases where the Compensation, interests and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	: The 3 rd respondent is directed to deposit the award amount of Rs.8,26,000/- with interest at the rate of 7.5.% p.a. from the date of presentation of the petition till the date of realization, with costs, within 30 days from the date of order.
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	: The petitioners are entitled to Rs.8,26,000/- with proportionate interest and cost. The 1 st petitioner shall be entitled to Rs.3,26,000/- , the 2 nd petitioners shall be entitled to Rs.5,00,000/- with proportionate interest and cost.
(m)	The mode and manner of deposit of compensation	: The 3 rd respondent is directed to deposit the award amount with interest and cost to the credit of the “MACT” Subordinate Judge, which is the Bank Account of this claim Tribunal specially being maintained for this purpose at MAC Tribunal, (Subordinate Judge) Sathyamangalam, SBI Current Account No: 42886033150 IFSC Code No: SBI N0001498 directly by NEFT (or)

		RTGS mode. The petitioner is not entitled for any interest for the default period if any.
(n)	Period of default to which the petitioner are not entitled for interest, if any.	: Nil
(o)	Balance of Court fee	: The petitioners are directed to pay the balance court fee of Rs.6,633/- within 2 weeks from the date of this order. The petitioner shall not be entitled to withdraw the sum deposited as per the award until the balance of court fee is deposited.

1. Shanmugam
2. Krishnammal

.... Petitioners.

//Vs//

1. Muthukumar
2. M.R.Malaisamy
3. The Branch Manager, United India Insurance Company Limited, Chennai.

.... Respondents.

This petition came up for final hearing before me on 20.11.2025 in the presence of Thiru.D.Balamurugan, Advocate for the Petitioners and 1st respondent and 2nd respondents are called absent set exparte and Thiru.B.P.Sundararajan, Advocate for the 3rd Respondent and upon perusing the entire case records, on hearing the arguments of both sides, and having stood over for consideration till this date, this court delivered the following:

AWARD

The original petition was filed by the petitioner under section 166 of the Motor vehicles Act to direct the respondents are such of the who found liable to pay the

petitioners the sum of Rs.20,00,000/- towards compensation together with subsequent interest there are at 12% per annum from the date of this claim petition till realization in full.

1) The brief averments of the petition is as follows:

1. That on 18.11.2017 at about 9.00 AM the deceased was crossing along the banks of the Noyyal river behind tea road near the petitioners' house, dumping the garbage from his house along the river bank and then returning home, while standing on the left side of the road to cross the road from north to south, when the 1st respondent, the rider of a Pulsar two-wheeler bearing registration No.TN 42 S 9781 coming from west to east, with high speed in a rash and negligent manner and dashed against the deceased and caused the accident. Due to the ill fated accident the deceased was sustained fatal injuries in his head, right hand and left leg. Immediately seeing the accident, the persons nearby had made arrangement a two-wheeler to admit the injured person at Govt. Hospital, Tiruppur where First Aid was given and for further treatment the deceased Bhuvaneshwaran was admitted at Revathi Hospital, Tiruppur and then he admitted at ICU. Due to failure in the Medical treatment the Deceased Bhuvaneshwaran was died on 3 days later. The Post Mortem was done at CMC Hospital, Coimbatore. The accident was happened solely due to the rash and negligent driving of the 1st respondent. Regarding the accident the Tiruppur South Police had registered a case in Cr.No.910/2017 U/s 279, 337 and 304A of IPC and it is pending in the Tiruppur Magistrate's Court.

2. At the time of accident the age of the deceased was 9 years only and he was hale and healthy and he studying 4th standard. The 1st respondent is the driver and 2nd respondent is the Owner and 3rd respondent is Insurer of the Pulsar two-wheeler bearing registration No.TN 42 S 9781. Hence both the respondents are jointly and severally liable to pay the compensation to the petitioners.

2. The brief averments of the Counter statement by the 3rd respondent is as follows;

The petition is false, frivolous and not maintainable in law and on facts. Except the averments that are specifically admitted herein by this respondent, the petitioners are put to strict proof of the rest of the averments in the petition. The cause of the above accident is that Bhuvaneshwaran, who died, crossed the road without noticing a vehicle coming from the west to the east, went to the center of the road, hit the vehicle and fell down. The complaint has been filed based on false circumstances told by bystanders, hiding these true circumstances. The deceased Bhuvaneshwaran is responsible for the above accident. The motorcyclist has no connection with this accident. A false complaint has been filed against him. The interest rate requested is too high. Therefore this respondent is not liable to pay compensation to the petitioners. Therefore this petition should be dismissed with cost.

3) Evidences:

On the side of the Petitioner, the 1st petitioner Thiru.Shanmugam was examined as PW1 and Ex.P1 to Ex.P17 were marked and Thiru.Devaraj was examined as PW2 and no documents have been marked.

On the side of the respondents, no oral evidence and documents were marked. The 3rd respondent filed a petition under Sec.170 of MV Act and the same was allowed.

4). Now point for the consideration is whether this petition is allowed?

Since it is a summary trial it is foremost to decide the following heads:

5). Negligence:

5.1. It is the case of the petitioners are that, on 18.11.2017 at about 9.00 AM the deceased was crossing along the banks of the Noyyal river behind tea road near the petitioners' house, dumping the garbage from his house along the river bank and then returning home, while standing on the left side of the road to cross the road from north to south, when the 1st respondent, the rider of a Pulsar two-wheeler bearing registration No.TN 42 S 9781 coming from west to east, with high speed in a rash and negligent manner and dashed against the deceased and caused the accident. Due to the ill fated accident the deceased was sustained fatal injuries in his head, right hand and left leg. Immediately seeing the accident, the persons nearby had made arrangement a two-wheeler to admit the injured person at Govt. Hospital, Tiruppur where First Aid was done and for further treatment the deceased Bhuvaneshwaran was admitted at Revathi Hospital, Tiruppur and then he admitted at ICU. Due to failure in the Medical treatment the Deceased Bhuvaneshwaran was died on 3 days later. The Post Mortem was done at CMC Hospital, Coimbatore. From the Post Mortem report it is clear that the deceased had died due to accident.

5.2. In order to substantiate such claim of the petitioner, the 1st petitioner was examined as PW1 and through him Ex.P1 to Ex.P15 documents have been marked. Ex.P1 FIR, Ex.P2 Alteration Report, Ex.P3 Rough Sketch and Observation Mahazar, Ex.P4 Post Mortem Report, Ex.P5 Charge sheet, Ex.P6 Police intimation, Ex.P7 Accident register, Ex.P8 AI Report, Ex.P9 RC Book (TN 42 S 9781), Ex.P10 Insurance Policy, Ex.11 Driving license of 1st respondent, Ex.P12 Medical Bill, Ex.P13 Death certificate, Ex.P14 Legal heirs Certificate, Ex.P15 TC, Ex.P16 Aadhar card of the 1st petitioner, Ex.P17 Aadhar card of the 2nd petitioner were produced. On careful perusal of records there is no contra evidence on the side of the respondent to cull out their defence that accident was happened due to the negligent act of the deceased. Hence on perusal of documentary and oral evidence adduced by the witnesses it is clear that accident was happened due to the rash and negligence of 1st respondent.

6. Liability:

6.1. Preponderance of probability favours the claim of the petitioners and hence, it can be safely held that the accident occurred only due to the rashness or negligence of the 1st respondent which is owned by the 2nd respondent. This view is also supported by the decision of the **Hon'ble High Court of Madras in CDJ 2015 MHC 7982, United India Insurance Company Vs. Krishnaveni and Others**, wherein it was held as follows:-

“..... 16. It is well settled law that proceedings before the Claims Tribunal are summary in nature and it is sufficed to consider, whether there is any preponderance of probability, as to the manner of accident, as detailed in the claim petition. Strict proof of evidence is not required. In the absence of any rebuttal evidence, the finding of the Tribunal regarding negligence cannot be termed as perverse or it is not a case of no evidence.....”

6.2. The petitioners has clearly stated that the accident occurred due to the rash and negligent driving of the 1st respondent. There is no evidence on record to contradict this version. FIR in Cr.No.910/2017 was registered under Sections 279 and 337 and 304A IPC at Tiruppur South Police Station, corroborating the version of events. Hence, the Tribunal finds that the accident occurred solely due to the rash and negligent driving of the 1st respondent.

6.3. The 1st and 2nd respondent has not appeared to contest the petitioner’s claim. The 3rd respondent insurance company has not let in any evidence to show that the accident occurred only due to the rashness or negligence of the deceased. This would only support the petitioner's claim that the accident had occurred only due to the rashness and negligence of the rider of the Motor cycle owned by the 2nd respondent. The 1st and 2nd respondents are the best persons to deny the petitioner’s claim and their non appearance goes against the case of the respondents. Adverse inference is also liable to be drawn against the 1st and 2nd respondent. The 3rd Respondent insurance company, has not let in any contra evidence to show that the accident did not happen due to the rash and negligent riding of the Motor cycle rider and owned

by the 2nd Respondent. The 3rd respondent who has elaborately cross examined PW.1 has also not elicited anything to show that the accident was caused only due to the negligence of the deceased and not due to the rashness or negligence who had driven the Motor cycle owned by the 2nd respondent.

6.4. On careful perusal of records there is no contra evidence on the side of the respondents to cull out their defence that accident was happened due to the negligent act of the deceased. Hence on perusal of documentary and oral evidence adduced by the witnesses it is clear that accident was happened due to the rash and negligence of 1st respondent.

6.5. In this case, the 3rd respondent has not let in any evidence to show that there is any violation of the terms of the insurance policy. Hence, the 3rd respondent insurer of Pulsar two-wheeler bearing registration No.TN 42 S 9781 will be liable to pay compensation to the petitioner.

7. Quantum:

7.1. Since this court found that accident was happened due to negligence of 1st respondent and 3rd respondent insurance company is directed to pay the compensation as awarded by this court. Now it is the duty of this court to fix the quantum.

7.2. With respect to quantum it is foremost duty of this court to fix the monthly income of the deceased. Here as per Ex.P4 Post mortem report of deceased

Bhuvaneshwaran is 9 years old. There is no contra evidence adduced by the 3rd respondent to deny the age of the deceased Bhuvaneshwaran.

6.3. The deceased was 9 years old and he was earning nothing. However he had great prospects of earnings in future. The Mother and father are emotionally attached to the child and the loss will have devastating effect on the family and for the sufferings of loss of happiness, the parents should be necessarily compensated.

6.4. On relying upon the Judgment of the **Honble High court of Madras in C.M.A.No.1902 of 2021 and CMP.No.10260 of 2021 The Divisional Manager, M/s.The National Insurance Company Ltd., Anna Salai, Vellore, Vellore District. ... Appellant - Vs - 1. Venkatesan and others** – it was held that the notional income of the deceased as 45,000/- per annum including the future prospects further held that *8. Coming to the deduction towards the personal expenses, in Meena Devi's case (cited supra) no deduction was effected for minor towards the personal expenses.* It is pertinent to mention here that, the Hon'ble Single Judge of this Court, in **Divisional Manager, Reliance General Insurance Co.Ltd., Vs. Govindaraj & others reported in 2021 (2) TN MAC 271**, has dealt with various judgments in respect of deduction for minor towards personal expenses and has ultimately held as follows:- *“18. So far as minors are concerned, they are non earning members and there is no occasion for them to spend money towards the personal expenses and there cannot be any deduction towards their personal expenses. In Lata Wadhwa case (cited supra) and Kishan Gopal case (cited supra). The Hon'ble Supreme Court after fixing the notional monthly income of the minor applied the multiplier and taken the entire amount as the loss of dependency and no deduction was made for their personal expenses. In*

the above circumstances, this Court is of the view that there cannot be any deduction towards personal expenses from the notional income of deceased minors.” Therefore, there is no requirement for any deduction towards the personal expenses of the child.

6.5. Coming to the multiplier, in **Sarla Verma's case [cited supra]** did not give a multiplier for the age upto 15 years. However, in **Meena Devi's case [cited supra]**, **the Hon'ble Supreme Court** took a multiplier of 15 for a minor aged about 14 years. Similarly, in **Govindaraj's case [cited supra]**, **the Hon'ble single Judge of Honourable High Court of Madras, by following Reshma Kumari Vs. Madan Mohan reported in 2013 (1) TN MAC 481 (SC)**, has held that the appropriate multiplier for a minor child upto the age group of 15, would be 15. Therefore, the loss of dependency in this case would be at **Rs.6,75,000/-** [Rs.45,000 x 15].

6.6. Apart from loss of dependency, the dependent is entitled for loss of estate, loss of consortium, funeral expenses and transport expenses as per decision of **Pranay Seithi** case. As per said decision our **Hon'ble Apex Court** had ordered to pay Rs.40,000/- towards Consortium, Rs.15,000/- towards Funeral and Rs.15,000/- loss of estate. Further our Hon'ble Apex court had ordered to enhance 10% under conventional heads once in three years. The said decision was decided before three years. Hence as per order of Hon'ble Apex court the petitioner is entitled to (15,000/- x 10%) Rs.16,500/- towards loss of estate, (15,000/- x 10%) Rs.16,500/- towards funeral expenses and (40,000 x 10%) Rs.44,000/- towards each consortium. So this

petitioner is entitled to (6,75,000 + 16,500 + 16,500 + 44,000 + 44,000) = Rs.7,96,000/- as total compensation.

8. Apportionment of compensation:

Sl.No	CATEGORIES OF COMPENSATION	APPORTIONED AMOUNT
1.	Yearly loss of income	Rs. 45,000/-
2.	Multiplier (Age 9)	15
3.	Loss of dependency (45,000/- x 15)	Rs. 6,75,000/-
4.	Ex.P12 Medical Bill	Rs. 30,000/-
5.	Loss of estate	Rs. 16,500/-
6.	Funeral expenses	Rs. 16,500/-
7.	Loss of consortium for 1 st petitioner	Rs. 44,000/-
8.	Loss of consortium for 2 nd petitioner	Rs. 44,000/-
	Total	Rs. 8,26,000/-

With this observation this petition is allowed by directing the 3rd respondent to pay a compensation of **Rs.8,26,000/-** with an interest of 7.5.% per annum from the date of this petition to the petitioners within a period of one month in the **SBI Current Account No:42886033150 either directly or through NEFT or RTGS.**

9. a) In the result, this petition is allowed in part with proportionate cost and the petitioners are awarded compensation for a sum of **Rs.8,26,000/-** together with interest at the rate of 7.5% per annum from the date of the petition till realization.

b) The petitioners are not entitled for any interest for the period of default if any.

- c) The 3rd respondent is directed to deposit the award amount to the credit of the “MACT” Subordinate Judge, which is the Bank Account of this claim Tribunal specially being maintained for this purpose at **MAC Tribunal, (Subordinate Judge) Sathyamangalam, SBI Current Account No:42886033150 IFSC Code No:SBI N0001498** directly by NEFT (or) RTGS mode within one month.
- d) The 1st petitioner shall be entitled to **Rs.3,26,000/-**, the 2nd petitioners shall be entitled to **Rs.5,00,000/-** with proportionate interest and cost.
- e) The petitioner's entitled award amount to be transferred to the Bank Account of the petitioners directly from the Tribunals "MACT" Bank Account.
- f) The petitioners are directed to pay the court fee of **Rs.7,633/-** within 2 weeks from the date of this order. The petitioner shall not be entitled to withdraw the sum deposited as per the Award until the balance of court fee is deposited.
- g) Advocate fee is fixed as **Rs.15,260/-** shall be paid through NEFT (or) RTGS mode.
- h) Following the judgment of the **Hon'ble High Court of Madras in M/s Cholamandalam MS General Insurance Co. Ltd., Vs. Ayyanar & others** reported in 2020 (4) CTC 272, no decree is prepared. All the parties are entitled to free copies of the award as per section 168 (2) of the MV Act and Rules 20 (6) of the Rules.

Dictated by me to the Steno typist, typed by her in the Computer directly, corrected and pronounced by me in open court on this the 10th day of March 2026.

MAC Tribunal/Subordinate Judge,
Sathyamangalam.

List of witnesses

Petitioner side:

PW-1 Thiru.Shanmugam (1st Petitioner)
PW-2 Thiru.Devaraj

Respondents side: -Nil-

List of documents

Petitioner side:

S.No.	Date	Particulars	Nature
Ex.P1	18.11.2017	FIR	Certified Copy
Ex.P2	21.11.2017	Alteration Report	Certified Copy
Ex.P3	18.11.2017	Rough Sketch, Observation Mahazar	Certified Copy
Ex.P4	22.11.2017	Post Mortem Report	Certified Copy
Ex.P5	22.12.2017	Charge Sheet	Certified Copy
Ex.P6	18.11.2017	Police Intimation	Certified Copy
Ex.P7	18.11.2017	Accident Register	Certified Copy
Ex.P8	28.11.2017	MVI Report (TN 42 S 9781)	Certified Copy
Ex.P9	-----	Registration Certificate of TN 42 S 9781	Certified Copy
Ex.P10	-----	Insurance Policy of TN 42 S 9781	Certified Copy
Ex.P11	-----	Driving License of 1 st respondent	Certified Copy
Ex.P12	18.11.2017	Medical Bill	Original

Ex.P13	24.11.2017	Death Certificate of Bhuvaneswaran	Xerox
Ex.P14	13.02.2018	Legal Heirs Certificate of Bhuvaneswaran	Xerox
Ex.P15	27.11.2017	School Transfer Certificate	Xerox
Ex.P16	-----	Aadhar Card of 1 st petitioner	Xerox
Ex.P17	-----	Aadhar Card of 2 nd petitioner	Xerox

Respondent's side : **-Nil-**

MAC Tribunal/Subordinate Judge,
Sathyamangalam.