

Date of presentation: 02.09.2021
Date of filing : 14.02.2022
Orders Reserved on : 15.07.2026

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
PERUNDURAI.

PRESENT: Thiru.M. Ashfaq Ahamed, B.A.B.L.,
Subordinate Judge,Perundurai.

Wednesday, the 15th day of July 2026

MCOP. No.42/2022
(CNR No-TNED11-000145-2022)

1.	Name and address of the Claimant(s)	1.Saraswathi, aged about 56 years, son of W/o. Palanisamy, D.No.38, Naduppalayam, Chithode, Chithode (TP), Erode Taluk, Erode District. 2.Palanisamy(died),(Amended as per order in I.A.No.3/2024,dated – 06.09.2024) aged about 63 years, Son of Sengodagoundar, residing at D.No.38, Naduppalayam, Chithode, Chithode (TP), Erode Taluk, Erode District. 3.Sangeetha, aged about 36 years, W/o. Yuvaraj, D/o. Palanisamy, residing at D.No.38, Naduppalayam, Chithode, Chithode (TP), Erode Taluk, Erode District.
2.	Name and address of respondent(s)	1.Mohammad Harish, son of Abdul Latif, residing at D.No.12, Kumarasamy Colony, 3rd street, Thiruppur District – 641 604. 2. MS Thiruppur Fisher Association, No.234, R.P.N. Complex, Perumanallur Road, Thiruppur – 641 602. (Owner)

		3. MS Royal Construction, Senthoor Flats, 9th Street, Samayapuram Nagar Colony, Porur, Kanjipuram – 600 116.(Previous Owner) 4. United India Insurance Company Ltd., C1, Muva Building, 1st Main road, Anna Nagar West, Chennai – 600 102. (Policy No.0112013120P102082913, dated 05.06.2020 to 04.06.2021)
3.	Date of filing of the claim petition	14.02.2022
4.	Date of award	15.07.2026
5.	Amount of award	Rs.30,75,000/-
6.	Costs allowed	Rs.68,063/-
7.	Court Fee for award amount	Rs.30,123/-
8.	Court Fee paid	Rs.1,000/-
9.	Balance of court fee to be paid	Rs.29,123/-
10.	ORDER	As per the direction of the Hon'ble High Court, Madras in Tr.CMP. Nos.264 to 281 of 2020 M/s. Cholamandalam MS Genl. Ins. Co. Ltd., Vs. Mr. Ayyannar.S and others dated 11.05.2020 , no separate decreetal order will be drafted.

This petition has been filed on 14.02.2022 and came up for final hearing before this court on 06.07.2026 in the presence of Advocates Thiru.M.Senthilkumar for Petitioners, Thiru.S. Jeevarathiranam for Respondents 1 and 2, Thiru.R.K. Gopalakrishnan for 4th Respondent, 3rd Respondent called absent and set exparte. Heard the arguments of both, Perusing the case records and having stood over for consideration till this day, this tribunal delivers the following.

ORDER

1. This petition is filed by the petitioners under Section 166 of M.V Act claiming compensation of Rs.1,00,00,000/- for the death of deceased Mohan in the road accident on 11.05.2021.

2. Brief averments of the petition:-

On 11.05.2021 at 07.30 P.M the deceased Mohan driven the Honda Dream Yuga Vehicle bearing Registration No. TN 56 D 2686 on the left side of the Coimbatore to Salem National Highway, from South to North and while nearing Perundurai SIPCOT entry bridge the TATA Winger Ambulance bearing Registration No.TN 10 AZ 5724 driven by 1st respondent in a rash and negligent manner in the same direction, dashed behind the two-wheeler driven by the deceased and caused an accident resulting multiple injuries all over the body.The deceased was admitted at Perundurai Government Medical College Hospital and he died on the same day due to the injuries sustained by him. The deceased was aged about 32 years and he was working as account coordinator in Cotton Plasam India Private Limited and earning not less than Rs.30,000/- per moth. The petitioners are dependents on the income of the deceased. During the pendency of petition the 2nd petitioner father of the deceased died.

The 1st respondent is driver, 2nd respondent is owner as per RC book, 3rd respondent is the policy owner and 4th respondent is the insurer of the TATA Winger Ambulance bearing Registration No. TN 10 AZ 5724. As such the respondents 1 to 4 are liable to pay the compensation jointly and severally to the petitioners.

3. The brief averments of the counter filed by 1st and 2nd respondent read as follows:

The petition is not sustainable. The age, occupation, monthly income of the deceased and manner of accident stated by the petitioners are denied as false and incorrect. The accident took place due to the negligence of the deceased. The 1st respondent possess valid driving license and the same was insured with the 4th respondent. The 1st respondent informed the accident to 4th respondent and produced relevant documents. As per the terms of policy the 4th respondent is liable to indemnify the owner of the vehicle. The deceased driven the two-wheeler without driving license and suddenly applied breaks without following the road rules and invited the accident.

4. The brief averments of the counter filed by 4th respondent read as follows:

The petition is not sustainable. The age, occupation, monthly income of the deceased and manner of accident stated by the petitioners are denied as false and incorrect. The accident took place due to negligence of the deceased. The 1st respondent driven the vehicle in a slow and steady manner from South to North direction and deceased who was moving in front suddenly stopped his vehicle and used his cellphone, came in the line of motion of 1st respondent vehicle and invited the accident. The deceased was not possessed with driving license and not weared helmet at the time of accident. The petitioners were not dependents on the income of deceased. There is no merits in the petition and prays for dismissal.

5. Points for consideration:

a) Whether the Motor accident occurred on account of rash and negligent

driving of TATA Winger Ambulance bearing Registration No. TN 10 AZ 5724 by 1st Respondent ?

b) Whether the deceased had contributed for the accident is true?

c) Whether the petitioners are entitled to get any compensation?

d) Who is liable to pay compensation?

e) What is the quantum of compensation that the petitioners are entitled to?

6. To prove the case of the petitioners, the 1st petitioner was examined as PW1 and Ex.P1 to P10 was marked. One Yuvaraj was examined as PW2. One Deepan Kumar was examined as PW3 and Ex.P11 to Ex.P16 was marked. No oral and documentary evidence adduced on the side of respondents.

7. The application filed by 4th respondent under Section 170 of Motor Vehicle Act was allowed in I.A.No.5 of 2026 dated 19.06.2026.

8. The oral and documentary evidence produced in the case were perused and Arguments advanced on either side were heard.

9. **Point No.1 and 2**

It is the case of petitioners while the deceased Mohan driven his two-wheeler in the Kovai to Salem National Highway and while nearing the Perundurai Sipcot entrance, from South to North direction, due to the rash and negligent driving of ambulance vehicle by 1st respondent in the same direction, dashed the two-wheeler from behind and caused an accident which resulted in multiple injuries to the deceased and he died on the same day. FIR was registered against 1st respondent. It is the contention of respondents that due to the sudden stoppage of two-wheeler by the deceased

the accident has taken place. However to prove the said contention the respondents have not adduced any evidence. The rough sketch regarding the place of accident shows the accident took place on the left side of the road. The damages to the ambulance vehicle shows the damages are on the front left side. The damages to the two-wheeler is on the rear wheel mudguard, rear body and other damages are due to the impact of the accident. To prove the sudden stoppage of two-wheeler by the deceased the 1st respondent is the competent person to speak about the said fact. For the reasons best known 1st respondent was not examined. PW2 was examined as eye witness and he was informant in the FIR. PW2 has given clear evidence about the negligence of 1st respondent. The evidence of PW2 was not challenged on material aspects and his evidence cannot be discarded merely on the fact that he was relative of deceased. No inroads was made in the cross examination to shift the negligence on the deceased. The evidence of PW2 is reliable, convincing and satisfactory. If the 1st respondent had maintained safe distance he could have avoided the accident. Assuming the vehicle was stopped by the deceased, it may be due to any circumstance before him. The stoppage of the vehicle cannot be presumed as negligence. The opportunity to avoid the accident is on the 1st respondent. The non examination of 1st respondent would falsify the defence of respondents regarding negligence on the deceased. Accordingly the tribunal concludes the accident has taken place due to the negligence of 1st respondent and point No.1 is answered in affirmative and point No.2 is answered in negative.

10. **Point No.3**

As stated earlier the deceased Mohan sustained multiple injuries in the accident and he died due to injuries sustained by him in the accident. The

death of deceased in the road accident was not disputed. The postmortem certificate was produced as Ex.P6 which shows the deceased sustained multiple head injuries and he died due to injuries. Ex.P8 is the death certificate of deceased. Ex. P9 is the legal heir certificate of 2nd petitioner which shows the petitioners 1 and 3 and deceased are the legal heirs of 2nd petitioner. The Identity card issued by the employer of deceased was marked as Ex.P10. Accordingly the tribunal is of view the petitioners are entitled for compensation as legal heir of deceased Mohan and the point is answered in favour of petitioner.

11. **Point No.4**

The 1st respondent is driver, 2nd respondent is owner as per RC book, 3rd respondent is the policy owner and 4th respondent is the insurer of the TATA Winger Ambulance bearing Registration No. TN 10 AZ 5724. The MVI report of both vehicles was produced. The particulars of driving license and insurance policy of 2nd respondent vehicle is not disputed. As per the case of 4th respondent there is no violation of Policy or Registration certificate conditions. While deciding the question of negligence, tribunal has held 1st respondent is responsible for the accident. Hence 4th respondent has the statutory liability to indemnify the 2nd and 3rd respondent in respect of compensation payable to the petitioners who are the legal heirs of deceased third party as determined by the tribunal and liability of Respondents 1 to 4 are joint and several.

12. **Point No.5**

The Honourable Apex court in the Judgment of **Sarla verma and others /Vs/ Delhi Transport Corporation and another (2009 (6) SCC**

121) and National Insurance company ltd., /Vs/ Pranaysethi and others (AIR 2017 Supreme court 5157) has laid down guidelines for assessment of compensation in a case of this nature. In **Sarla verma and others /Vs/ Delhi Transport Corporation and another (2009 (6) SCC 121)** it has been held basically 3 facts need to be established by the claimants for assessing compensation in case of death and they are **A) Age of the deceased, B) Income of the deceased and C) The number of dependents** and the issues to be determined by the tribunal to arrive at the loss of dependency are **1) The additions/Deductions to be made for arriving at the income, 2) The deduction to be made towards personal and living expenses of the deceased, 3) The multiplier to be applied with reference to the age of the deceased.** Keeping these guidelines in mind this tribunal proceeds to assess the loss of dependency.

a) Age of the deceased:-

In the petition the petitioners have stated the age of the deceased as 32 years. The death certificate shows the age of the deceased as 32 years which was marked as Ex.P8. The Employment ID of the deceased was marked as Ex.P10 would show his date of birth as 02.07.1988. The accident has taken place in the year 2021. Therefore the deceased has completed 31 years and was running 32 years and accordingly the age of the deceased is fixed as 32 for the purpose of computing compensation towards loss of dependency.

b) Annual income of the deceased:

In the petition, it is stated the deceased was working at Cotton blossom India Private Ltd as accounts co-ordinator and earning Rs.30,000/- per month. The petitioners have examined PW3 and produced Ex.P12 to Ex.P16. Ex.P12 and P13 are the offer and appointment letter of the

deceased. Ex.P14 is the salary slip of deceased for the period May 2020 to May 2021. Ex.P15 is the attendance register of the deceased. From Ex.P14 it is clear the deceased was paid a fixed salary of Rs.22,000/- in the month of May 2021. The salary particulars of deceased was not challenged by respondents. As per Ex.P14 the annual income of the deceased is Rs.2,64,000/-. The above income does not attract income tax and as such no income tax deduction was made.

c) Future prospects:

The Honourable Apex court in **National Insurance company limited /Vs/ Pranaysethi and others** has held that an addition of 40% may be made to the income of the person, who was self employed or on fixed salary and was below 40 years. In the present case the deceased is aged 32 years and therefore if the future prospects was taken into account his annual income would be **Rs.3,69,600/-** (Rs.2,64,000+40%).

d) Personal and living expenses

The Honourable Apex court in the Judgment of **Sarla Verma and others /Vs/ Delhi Transport Corporation and another (2009 (6) SCC 121)** has held that where the deceased was bachelor, the deduction towards personal and living expenses of the deceased should be 1/2. It is also admitted the 3rd petitioner sister of the deceased got married 10 years ago and therefore she cannot be dependent on the income of the deceased at the time of accident. By applying the guidelines framed by the Honourable Supreme court, this tribunal is of view **Rs.1,84,800/-** (Rs.3,69,600 – 1/2 thereof) is determined to be the contribution of the deceased to the family for a year.

e) Multiplier and Total Loss of Future Income

For determining the multiplier, the guidelines of the Honourable Apex court in the Judgment of **Sarla Verma and others /Vs/ Delhi Transport Corporation and another (2009 (6) SCC 121)** has to be followed. In that case the Honourable Supreme Court has held if the age of the deceased is 31 to 35 years, the multiplier to be applied should be 16. As stated earlier at the time of death, age of the deceased was 32 years. Therefore adopting Multiplier No.16, the total loss of future income to the family will arrive at **Rs.29,56,800/-** (Rs.1,84,800 x 16).

f) Loss of estate, Loss of consortium and funeral expenses

The Honorable Apex court in **National Insurance Company limited /Vs/ Pranaysethi and others** has held that under the conventional heads namely loss of estate and funeral expenses a sum of **Rs.15,000/-** and **Rs.15,000/-** respectively be awarded. The 1st and 3rd petitioner being the Mother and Sister of deceased would have lost the love the deceased would have shown to them and he would have got from them and as such the petitioners 1 and 3 are each entitled to **Rs.40,000/-** towards consortium and accordingly the same is awarded.

g) Transportation expenses

After the accident the deceased was taken to Government Medical College Hospital, Perundurai for postmortem and then to their house and burial ground. Therefore in this respect the petitioners would have incurred expenses towards transportation and thus a sum of **Rs.8,200/-** is awarded towards transportation expenses.

1. Loss of future income	-	Rs.29,56,800 /-
2. Loss of consortium	-	Rs. 80,000 /-
3. Loss of estate	-	Rs. 15,000/-
4. Funeral expenses	-	Rs. 15,000/-
5. Transportation expenses	-	Rs. 8,200/-

Total compensation	-	Rs.30,75,000/-
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In fine, the petitioners 1 and 3 are entitled to a sum of **Rs.30,75,000/- (Rupees Thirty Lakhs Seventy Five Thousand Only)** as just and fair compensation and the point is answered accordingly.

13. Pursuant to the directions of the Hon'ble High Court of Madras in CMA.No.428/2016 dated 11.03.2016 reported in 2016 (1) TNMAC 433 (DB) the petitioners have to produce the attested copy of the 1st page of their bank passbook, pan card and the xerox of Aadhar card.

Petitioner Name	Bank Name and Branch	Bank Account details and IFSC code	Aadhar card	PAN Card No.
Saraswathi	Tamil Nadu Grama Bank, Chithode Branch	A/C No. 10288369292 IFSC Code - IDIB0PLB001	-	-
Sangeetha	Tamil Nadu Grama Bank, Chithode Branch	A/C No. 10288369361 IFSC Code - IDIB0PLB001	-	-
Advocate Name– M.Senthilkumar	Indian Bank, Perundurai Branch	A/C No. 748243716 IFSC Code - IDIB000P155	-	-

14. In the result,

a) The petition is allowed in part with proportionate cost against the Respondents 1 to 4. Awarding the total compensation of **Rs.30,75,000/- (Rupees Thirty Lakhs Seventy Five Thousand Only)** including interim award passed if any, payable with interest at 7.5% per annum from the date of presentation of the petition.

b) The apportionment of the compensation amount of Rs.30,75,000/- is as follows. The 1st petitioner being the mother of the deceased will get **Rs.25,00,000/-** and 3rd petitioner Sister of the deceased will get **Rs.5,75,000/-** with proportionate interest and cost.

c) The 4th respondent is directed to deposit the said compensation amount directly to the bank account of the petitioners 1 and 3 as directed by the Honourable Apex Court in **Parminder Singh /Vs/ Honey Goyal and others** dated 18.03.2025 in the manner stated below within one month from the date of award after ensuring the payment of balance court fees by the petitioners. The petitioners and 4th respondent are directed to file compliance memo in this regard.

d) The petition is dismissed with regard to the rest of the claim amount.

e) The advocate fee is fixed at **Rs.37,750/-** Court fee for the award amount is **Rs.30,123/-** The deficit court fee of **Rs.29,123/-** shall be paid by the petitioners within two weeks from the date of order.

f) No interest is awarded for the period when the petitioners defaulted, as per orders if any and also for the period when the petitioners failed to pay the Court fees as directed.

g) A free copy of the award shall also be delivered to the parties on

request within 15 days as per section 168(2) of the MV Act and Rule 20(6) of the Rules.

Order directly dictated to the Typist and typed by her in computer and taken print out and after rectification of mistake, Pronounced by me in open court, this the 15th day of July 2026.

MOTOR ACCIDENT CLAIMS TRIBUNAL
SUBORDINATE JUDGE, PERUNDURAI.

Details of cost

Sl.No.	Cost statement on petitioner side	Amount Rs. P.
1.	Court Fees paid in Main petition	1,000.00
2.	Balance Court Fees to be paid as per award	29,123.00
3.	Vakalath	10.00
4.	Advocate Fees	37,750.00
5.	Stamp on Interim Petitions	20.00
6.	Process fees	20.00
7.	Stamp on Exhibits	40.00
8.	Typing charges	100.00
Total		Rs.68,063.00

MOTOR ACCIDENT CLAIMS TRIBUNAL
SUBORDINATE JUDGE, PERUNDURAI.

Appendix:

Witnesses on the side of Petitioner:

Sl. No.	Witnesses	Name
1.	PW1	Saraswathi
2.	PW2	Yuvaraj
3.	PW3	Deepan Kumar

Witnesses on the side of Respondents:NIL

Exhibits on the side of petitioner:

Sl.No.	Exhibits	List of documents	
1.	Ex.P1	FIR	Certified Copy
2.	Ex.P2	Rough Sketch	Certified Copy
3.	Ex.P3	Observation Mahazar	Certified Copy
4.	Ex.P4	MVI Report - Ambulance	Certified Copy
5.	Ex.P5	MVI Report – Two wheeler	Certified Copy
6.	Ex.P6	Postmortem Certificate	Certified Copy
7.	Ex.P7	Final Report	Certified Copy
8.	Ex.P8	Death Certificate	Xerox
9.	Ex.P9	Legal heir ship Certificate	Xerox
10.	Ex.P10	Employee Identity Card - Mohan	Xerox
11.	Ex.P11	Employee Identity Card – Deepan Kumar	Xerox
12.	Ex.P12	Offer Letter given by Cotton Blooms Company to Mohan	Xerox
13.	Ex.P13	Appointment Letter given by Cotton Blooms Company to Mohan	Xerox
14.	Ex.P14	Salary Certificate for the month of May 2020 to May 2021	Xerox
15.	Ex.P15	Attendance Register of Mohan	Xerox
16.	Ex.P16	Authorization Letter	Original

Exhibits on the side of Respondents:NIL

SUBORDINATE JUDGE, PERUNDURAI.(MACT)



சரஸ்வதி பாலனிசாமி
Government of India

SARASWATHI PALANISAMY
தாய் : சுப்ரமணி
Father : SUBRAMANI

பிறந்த நாள் DOB: 04/03/1965
பெண் / Female

3476 7278 9188

ஆதார் - சாதாரண மனிதனின் அதிகாரம்

சரஸ்வதி பாலனிசாமி
Unique Identification Authority of India

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முகவரி: W/O. பழனிசாமி, 38
நடுப்பாளையம், சித்தோடு
சித்தோடு (TP), சித்தோடு, எரோடு, தமிழ்
நாடு, 638102

Address: W/O: Palanisamy,
38, NADUPALAYAM,
CHITHODE, CHITHODE
(TP), Chittode, Erode, Tamil
Nadu, 638102

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THODE
Phone No :



தமிழ்நாடு கிராம வங்கி
CHITHODE

IFSC_CODE: IDIB0PLB001

Name : SARASWATHI PALANISAMY
Account No : 10288369292
Address : W/O Palanisamy
38 NADUPALAYAM
CHITHODE Erode 638102

CIF : 40113206723

Mode of Operation : SELF
Date of Opening : 03/06/2026
04/06/2026 00663 60213

Nom. Ret.
Continued PB. No.
கிளை மேலாளர் / Branch Manager



1/5/20

True copy

Advocate for Petitioner

மலர் 12/22



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CHITHODE (60213)

TAMIL NADU GRAMA BANK

ERODE-BHAVANI JUNCTION, CHI
THODE

Phone No :

IFSC_CODE: IDIB0PLB001

Name : SANGEETHA PALANISAMY

Account No : 10288369361

Address : W/O Yuvaraj

38 NADUPALAYAM

CHITHODE Erode 638102

Mode of Operation : SELF

Date of Opening : 03/06/2026

04/06/2026 80663 60213



தமிழ்நாடு கிராம வங்கி

CHITHODE

CIF : 40113206734

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கிளை மேலாளர்

Branch Manager



True copy

Advocate for Petitioner



नामिती का ब्यौरा / Details of Nominee

पंजीकृत (हाँ/नहीं):

Registered (Yes/No.):

यादि हाँ तो पंजीकरण सं:

If Yes, Reg. No.:

(वैकल्पिक) / (Optional)

नाम: / Name:

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PPO Number:

CIF : 0321792784

Account No : 748243716

Name : SENTHIL KUMAR M

PAN NO : BMGPS5289A

Mobile No : 9842722908

Mode of Op : SELF

D.O.B. (if minor) : N/A

Email ID :

Date of A/C Opening : 15/10/2007

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Nom.Reg No :

Nominee :

Date of Issue : 31/08/2020 41938 1615

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Advocate for Petitioner