

**In the Court of Motor Accident Claims Tribunal /  
IV Additional District Court, Madurai.**

**Present: Thiru. S. John Sundarlal Suresh, B.Sc., M.L.,**

Motor Accident Claims Tribunal / IV Additional District Judge, Madurai.

Saturday the 7<sup>th</sup> day of March, 2026

**M.C.O.P. No.21/2021**

**CNR No.TNMD01-006434-2020**

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(a)	Name and address of the claimant/petitioner	1.	Athammal wife of Veeranan, Hindu, aged about 46 years, Karuthapuliyanpatti, Melur Town, Melur Taluk, Madurai District.
		2.	Karuppana Surya D/o Veeranan, wife of Thirumalai, Hindu, aged about 27 years, Sambiranipatti, Kidaripatti, Melur Taluk, Madurai District.
		3.	Thirusenthilvel son of Veeranan, Hindu, aged about 25 years, Karuthapuliyanpatti, Melur Town, Melur Taluk, Madurai District.
		4.	Alagusundari daughter of Veeranan, Hindu, aged about 24 years, Karuthapuliyanpatti, Melur Town, Melur Taluk, Madurai District.
		5.	Alagupillai wife of Karuppanan Hindu, aged about 79 years, Karuthapuliyanpatti, Melur Town, Melur Taluk, Madurai District.
b)	Name and address of the respondents	1.	M. Balasubramanian, Door No.32B Haniffa Colony, T.V.S. Tolgate, Tirchy.
		2.	The Divisional Manager, Oriental Insurance Company Ltd., having office at Door No.16, K.J.R. Complex, North Veli Street, Madurai-1.

c)	Name and address of the insurance company	<u>2nd respondent</u> The Divisional Manager, Oriental Insurance Company Ltd., having office at Door No.16, K.J.R. Complex, North Veli Street, Madurai-1.	
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 claim petition	21.09.2020	
(f)	Date of award	07.03.2026	
(g)	Amount of award	<b>Rs. 26,52,850/--</b>	
(h)	Interest rate applicable	7.5 percent per annum.	
(i)	Date from which interest is payable	21.09.2020	
(j)	Costs, if any.	Stamp on vakkalath	10
		Court fees	25901
		Advocate fees	35029
		<b>TOTAL</b>	<b>60940</b>
(k)	Balance court fees	<b>Rs.25,701/-</b> The petitioners shall not be entitled to withdraw the sum deposited as per the Award, till the balance court fees is deposited.	

**Award passed in the format as directed by the Hon'ble High Court in M/s Cholamandalam MS General Insurance Co. Ltd. /vs/ Ayyannar and others - Tr.CMP.Nos.264 to 281 of 2020 dated 11.05.2020.**

In the above judgment in paragraph No.28(a) and (b) it reads as:-

- (a) The process of drafting decree for awards passed in motor vehicles cases, both at the level of the claims Tribunal through out the State of Tamilnadu and at the appellate level, shall cease forthwith.
- (b) The claims Tribunal shall arrange to deliver free copies of the award to the parties concerned within 15 days from the date of the award as contemplated by Section 168(2) of the Act and 20(6) of the Rule.

In view of the above judgment, **there is no need to prepare or draft the decree for this Award** and further all the parties are entitled to get free copies of the award as per the Section 168(2) of the Act and 20(6) of the Rule.

This petition came up before me for final hearing on 27.02.2026 in the presence of Thiru.V.Ezhilarasan advocate for the petitioners and Thiru.K.Thirupathi advocate for the 2nd respondent but 1<sup>st</sup> respondent was called absent and set exparte and upon hearing the arguments of both side and upon perusing the case records and having stood over till this day for consideration, this court passed the following:

### **ORDER**

This petition is filed U/s 140,141 and 166 of M.V. Act 1988 r/w Rule 171(3) of the M.A.C.T Rules for Amendment Act 54/1994 seeking compensation of Rs.20,00,000/-.

**2. The contents of petition filed by the petitioners in brief is as follows:**

When the deceased and his friend Karpagapandian on 01.06.2012 at 3.00 PM returned to their village in the two wheeler bearing registration No.TN 63 A 4596 near Keezhachivalpatti Viramathi new Kanmoi (கண்ணமபு) the driver of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent drove the same in a rash and negligent manner, came on wrong direction and dashed with the said two wheeler in which the deceased Veeranan suffered grievous injuries right eye, left cheek and shoulder and he was admitted in the Thirupathur Government Hospital, later he was shifted to Madurai Meenatchi Mission Hospital and he died on 03.06.2012 without responding to the treatment. The rash and negligent driving of the driver of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent is cause for the accident. The case was registered in Cr.No.65/12 on the file of the Keezhachivalpatti Police Station as against the driver of the 1<sup>st</sup> respondent U/s 279,338 of IPC and later altered into U/s 304(A) of IPC. The deceased Veeranan completed only 40 years and eared a sum of Rs.40,000/- per month and he worked at Teccare Private Company, Singapore and sent a sum of Rs.30,000/- per month to his family. The Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent was insured with the 2<sup>nd</sup> respondent and the said insurance was in force at the time of accident. Hence petition.

**3. The contents of statement of objection filed by the 2<sup>nd</sup> respondent in brief as follows:**

The driver of the 1<sup>st</sup> respondent was not possessed any valid and effective driving license to drive the car bearing registration No.TN 45 AK

6909 on the date of accident. Driving of the vehicle without valid driving license is an offence and also violated the terms and conditions of the Insurance Policy. Therefore this 2<sup>nd</sup> respondent is not liable to pay any compensation to the petitioners. The allegation made by the petitioners in column No.23(2)(3) of the petition that on 01.06.2012 when the deceased Veeranan and his friend Karpagapandian were coming in a motor cycle bearing registration No.TN 63 AA 4596 near Viramathi new Kanmai, car bearing registration No.TN 45 AK 6909 came on the wrong side of the road from the opposite direction at a very high speed and dashed against the motor cycle and due to the impact Veeranan sustained grievous injuries and died on 03.06.2012 succumbed to accidental injuries at Meenakshi Mission Hospital that the accident has occurred only due to the rash and negligent driving of the car driver and the petitioners are put to strict proof of the same. The accident was caused only due to the rash and negligent driving of the motor cycle and the car driver was in no way responsible for the alleged accident and hence, this 2<sup>nd</sup> respondent is not at all liable to pay any compensation to the petitioners. The deceased was aged about 45 years old at the time of his death and was working as a employee at Singapore Company and was earning Rs.40,000/- per month are all denied as false and incorrect. Hence this petition is to be dismissed.

**4. The points for determination in this petition are:-**

1.	Whether the accident took place due to rash and negligent driving of the driver of the Chevrolet Tavera car bearing registration No.TN 45 AK 6909 belongs to the 1 <sup>st</sup> respondent?
2.	Whether the deceased sustained fatal injuries due to the said accident?
3.	Whether the petitioners are entitled for the compensation if so, how much from whom?

5. On the side of the petitioners, P.W.1 and P.W.2 were examined and Ex.P1 to Ex.P15 documents were marked. On the side of the 2<sup>nd</sup> respondent R.W.1 was examined and Ex.X1 and Ex.X2 were marked.

**6. Point Nos.1 and 2:-**

The learned counsel for the petitioners submitted that when the deceased and his friend Karpagapandian on 01.06.2012 at 3.00 PM returned to their village in the two wheeler bearing registration No.TN 63 A 4596 near Keezhachivalpatti Viramathi new Kanmoi (கண்ணமபு) the driver of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent drove the same in a rash and negligent manner, came on wrong direction and dashed with the said two wheeler in which the deceased Veeranan suffered grievous injuries right eye, left cheek and shoulder and he was admitted in the Thirupathur Government Hospital, later he was shifted to Madurai Meenatchi Mission Hospital and he died on 03.06.2012 without responding to the treatment. The accident took place due to the rash and negligent driving of the driver of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent vehicle is insured with the 2<sup>nd</sup> respondent and the insurance of the said vehicle is in force at the time of accident. Hence they are liable to pay compensation to the petitioners and that the petition is to be allowed.

7. Per contra the learned counsel for the 2<sup>nd</sup> respondent submitted that the deceased Veeranan and his friend Karpagapandian who were travelling in the two wheeler under drunken mood. In fact the driver of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent drove the same following the rules and regulations. The

accident purely took place due to the rash and negligence on the part of the rider of the two wheeler who was under influence of the alcohol. Hence the 2<sup>nd</sup> respondent is not at all liable to pay the compensation. Hence the petition is devoid of merits and liable to be dismissed.

8. This court carefully considered the above said submission of the learned counsel for the both parties and perused the records. In this case the the 1<sup>st</sup> petitioner filed the proof affidavit in terms of the contents of the petition. Moreover the FIR under Ex.P1 dated 02.06.2012 with regard to the accident that there is clear reference about the fact that the accident took place due to the rash and negligent driving of the driver of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent. Moreover the final report was filed under Ex.P2 as against the driver of the offending vehicle under section 279, 337 and 304(A) of IPC. It is pertinent to note that eye witness by name Arumugam was examined as P.W.2 he categorically stated in his evidence about the factum of the accident that the accident took place due to the rash and negligent driving of the driver of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent. The specific evidence of the P.W.1 and P.W.2 are not discredited in the cross examination by the 2<sup>nd</sup> respondent. There is no legally acceptable evidence produced before this court by the 2<sup>nd</sup> respondent that the accident took place purely due to the rash and negligence on the part of the rider of the two wheeler. Likewise no evidence available on record eventhough deceased and Karpagapandian consumed alcohol that they were under influence of the alcohol so as to contribute the negligence on their part with regard to the accident. Under these circumstances having regard to the evidence emerged on record in the context of the postmortem certificate

under Ex.P3 dated 03.06.2012 this court concluded that the accident took place due to the rash and negligent driving of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent in which the deceased Veeranan sustained fatal injuries and expired. These points are answered accordingly.

### **9. Point No.3**

It appears from the evidence it is clear that the accident took place due to the rash and negligent driving of the of the driver of the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent. But it appears from the Accident Register under Ex.X1 dated 01.06.2012 with regard to the Karpagapandian and Accident Register under Ex.X2 date 01.06.2012 with regard to the Veeranan. There are reference with effect that they consumed alcohol. But there is no evidence available on record that they were under influence of alcohol at the time of the accident. However the facts remains during the time of accident the deceased Veeranan and Karpagapandian consumed alcohol which is against the traffic rules. The judgment cited by the learned counsel for the 2<sup>nd</sup> respondent in **Saranya and another ..vs.. P.T. Aravindan and United India Insurance Co. Ltd, Chennai reported in 2025(2) TN MAC 129** the Hon'ble High Court fixed 25% contributory negligence with regard to the case where rider of the two wheeler who was under influence of the alcohol. But in this case there is no material available on record that the deceased Veeranan and Karpagapandian are under influence of alcohol while travelling in the two wheeler and thereby contributed the accident. Hence the facts of the judgment cited by the learned counsel for the 2<sup>nd</sup> respondent will not be applicable to the facts and circumstances of the case. But the deceased Veeranan and Karpagapandian

had travelled in the two wheeler consuming the alcohol which is against the traffic rules. Hence this court concluded that 15% of the total compensation to be reduced as the deceased Veeranan and Karpagapandinan had travelled in the two wheeler consuming alcohol. There is no dispute about the fact that the Chevrolet Tavera Car bearing registration No.TN 45 AK 6909 belongs to the 1<sup>st</sup> respondent is insured with the 2<sup>nd</sup> respondent and the insurance also in force at the time of the accident. Therefore the 2<sup>nd</sup> respondent is liable to pay the compensation to the petitioners as per the quantum which is to be fixed below.

10. The petitioners stated in the petition that the deceased Veeranan was working in the Teccare Private Company, Singapore and earned a sum of Rs.40,000/- per month at the time of the accident. But there is no evidence adduced on the side of the petitioners to prove the above said fact that he was earning a sum of Rs.40,000/- per month at the time of the accident. It appears from the Ex.P14 that the deceased underwent the construction Safety Orientation Course for workers (General Trade). The work permit of Republic of Singapore stands in the name of the deceased Veeranan is filed under Ex.P13. The Passport copy of the deceased Veeranan was filed under Ex.P12. Thus it is clear that the deceased Veeranan was working in Singapore. If one person has eligibility to work in Singapore he would have earned not less than Rs.18,000/- per month at the time of accident. Hence having regard to the age of the deceased, in the context of date of accident, this court fixed monthly income of the deceased Veeranan for a sum of Rs.18,000/- per month as notional income.

11. In the petition it is stated that the age of the deceased Veeranan is 45 years at the time of death. The postmortem certificate under Ex.P3 dated

03.06.2012 also the age of the deceased is stated 45 years. But if the age of the deceased is calculated based on the work permit of the deceased under Ex.P13 the date of birth mentioned as 25.06.1967, the age of the deceased is 44 years 11 months and 6 days on the date of the accident. Hence this court concluded that the age of the deceased is 45 years at the time of the accident.

12. The notional monthly income of deceased is fixed a sum of Rs.18,000/- per month. Therefore being a self employed person as per the judgment in **National Insurance Company Ltd., ..vs.. Pranay Sethi and others reported in 2017(2) TNMAC Page 609(SC)** fixed as 25% towards the future prospects of his notional monthly income of a sum of Rs.18,000/-. Thus  $\text{Rs.18,000/-} \times 25\% = \text{Rs.4500/-}$ . Hence total monthly income of deceased is  $\text{Rs.18,000/-} + \text{Rs.4500/-} = \text{Rs.22,500/-}$  is arrived. It appears from the legal heir Certificate under Ex.P15 the deceased has only 5 dependents at the time of accident. Hence as per the judgment in **Sarala Varma ..vs.. Delhi Transport Corporation and another reported in 2009(2) TNMAC Page 1 (SC)**  $\frac{1}{4}$  of amount out of total notional monthly income of a sum of Rs.22,500/- to be deducted. Thus  $\text{Rs.22,500/-} \times \frac{1}{4} = \text{Rs.5625/-}$  is arrived. Therefore after deduction of the personal expenditure he would have contributed a sum of **Rs.16,875/-** ( $\text{Rs.22,500/-} - \text{Rs.5625/-} = \text{Rs.16,875/-}$ ) per month to his family. The deceased age is 45 years at the time of death. Hence the proper multiplier for his age is 14. If his monthly income is calculated based on the notional income arrived after deducting his personal expenditure using the multiplier i.e. **Rs.16,875/- x 14 x 12 = Rs.28,35,000/-**. But in the judgment in **National Insurance Company Ltd., ..vs.. Pranay Sethi and others reported in 2017(2) TNMAC Page 609(SC)**, the compensation viz., Loss of consortium a sum of Rs.40,000/-, Loss of Estate a

sum of Rs.15,000 and Funeral Expenses of a sum of Rs.15,000/- are fixed under the above said conventional heads with an observation that the above said amount to be enhanced at the rate of 10% in a span of three years. Now the six years period is already lapsed from the date of above said judgment. While it is so applying 20% enhancement the quantum of amount viz., Loss of consortium a sum of **Rs.48,000/-**, Loss of Estate a sum of **Rs.18,000/-** and Funeral expenses of sum of **Rs.18,000/-** are fixed under the above said heads. It is pertinent to note that the judgment in **Magma General Insurance Co., Ltd., ..vs.. Nanu Ram Alias Chuhru Ram & Others rendered by the Hon'ble Supreme Court published in the internet** it is held that in legal parlance, "consortium" is a compendious term which encompasses 'spousal consortium', 'parental consortium', and 'filial consortium' and that children, parents, husband and wife are entitled for the consortium under the separate head. It appears from the pleadings that the deceased was taken to the Government Hospital, Thirupathur and he was then shifted to Meenakshi Mission Hospital, Madurai where he expired on 03.06.2012 without responding to the treatment. Hence having regard to the transportation to the above said hospitals and to his home after the demise it would fetch minimum a sum of Rs.10,000/- towards the cost of transportation and miscellaneous expenditure. Therefore, in view of the finding as above compensation is awarded to the petitioners is quantified as follows under the conventional heads including that of the transportation expenses.

	<b>Head</b>	<b>Amount</b>
1.	Transportation and miscellaneous expenditure	Rs. 10,000/-
2.	Funeral expenses	Rs. 18,000/-
3.	Loss of consortium (petitioners 1 to 5 each Rs.48,000)	Rs. 2,40,000/-

4.	Loss of Dependency	Rs. 28,35,000/-
5.	Loss of Estate	Rs. 18,000/-
	Total compensation	<b>Rs.31,21,000/-</b>
	Less 15% for the deceased had drunken drive	Rs. 4,68,150/-
	Actual compensation payable to the petitioners	<b>Rs.26,52,850/-</b>

13. Moreover, as held in judgment in **United India Insurance Co. Ltd. ..vs.. Indiro Devi and others reported in 2018 ACJ P 2051** the rate of interest of the compensation amount is fixed as 7.5% p.a.. This point is answered accordingly.

14. But though the petitioners have claimed a sum of Rs.61,79,000/- they restricted their claim only Rs.20,00,000/- as compensation towards the death of deceased Veeranan. It is pertinent to note that as per the dictum laid down in **Ramala and others ..vs.. National Insurance Company Limited and others published in the internet** higher compensation than claimed in the petition could be granted in the context of fair and reasonable just compensation to the victims. Therefore this court is inclined to grant a sum of **Rs.26,52,850/-**.

In the result, this petition is allowed, passing award directing the 2<sup>nd</sup> respondent to pay the compensation of a sum of **Rs.26,52,850/-** to the petitioners at the rate of 7.5% p.a. from the date of filing of this petition till the realization of the amount with cost and the total compensation with interest and cost should be deposited within 2 months from today, depositing said compensation in E-Transfer to the account of the **IV Additional District and Sessions Judge, (MACT), Madurai in Account No.8055604411, IFSC Code:IDIB000K215, Branch Code:2128, Vcollect Code: ADDD04MCOP212021 with Indian Bank, K.K. Nagar Branch, Madurai** and out of total compensation the 1<sup>st</sup> petitioner is entitled for a

sum of **Rs.14,02,850/-** , 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> petitioners are entitled for a sum of **Rs.3,50,000/-** each and 5<sup>th</sup> petitioner is entitled for a sum of **Rs.2,00,000/-** with proportionate interest with cost and the amount awarded to the 1 to 5 petitioners on their applications to be deposited in their account, through online following due process. The petitioners should pay balance court fee of a sum of **Rs.25,701/-** within fifteen days and the advocate fees is fixed a sum of **Rs.35,029/-** as per rules.

Dictated to the Stenographer, transcribed and typed by her in the computer, corrected and pronounced by me in open court, on this 7<sup>th</sup> day of March, 2026.

Motor Accident Claims Tribunal/  
IV Additional District Judge,  
Madurai.

**Witness on the side of the petitioners:-**

- P.W.1 – Tmt. Athammal  
P.W.2. -- Thiru. Arumugam

**Exhibits on the side of the petitioners:-**

- |        |            |   |
|--------|------------|---|
| Ex.P.1 | 02.06.2012 | First Information Report  |
| Ex.P.2 | 05.09.2012 | Final report  |
| Ex.P.3 | 03.06.2012 | Postmortem certificate of Veeranan  |
| Ex.P.4 | 04.06.2012 | Motor Vehicle Inspector Report  |
| Ex.P.5 | ...        | Certificate of Insurance of Bajaj Discover New vehicle  |
| Ex.P.6 | 02.03.2012 | Motor Insurance Certificate Cum Policy Schedule of Tavera vehicle bearing registration No.TN 45 AK 6909 |
| Ex.P.7 | 29.02.2008 | Certificate of Registration of vehicle bearing registration No.TN 45 AK 6909                            |
| Ex.P.8 | ...        | Driving license of Karpagapandian   |

Ex.P.9	...	Aadhar cards of the 1 to 5 petitioners
Ex.P.10	...	Bank Pass books of the 1 to 5 petitioners
Ex.P.11	...	PAN Cards of the 1 to 5 petitioners
Ex.P.12	...	Passport of the deceased Veeranan
Ex.P.13	...	Work Permit of the deceased Veeranan
Ex.P.14	...	Certificate of Construction Safety Orientation Course for workers (General Trade)
Ex.P.15	27.07.2012	Legal heir certificate of the deceased Veeranan

**Witness on the side of the 2<sup>nd</sup> respondent:-**

R.W.1. Thiru.Kadar Beer Syed Meeran, Record Clerk,  
Government Hospital, Thirupathur.

**Exhibits on the side of the 2<sup>nd</sup> respondent:-**

Ex.X1 01.06.2012 Accident Register of Karpagapandian

Ex.X2 01.06.2012 Accident Register of Veeranan

M.A.C.T.J. /IV ADJ  
Madurai.