

BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, RASIPURAM
(In the Court of the Subordinate Judge, Rasipuram)

Present: Thiru.J.K.DHILIP, B.A.,B.L.,
SUBORDINATE JUDGE, RASIPURAM

Monday the 23rd day of March 2026

M.C.O.P No. 48 of 2023

(CNR.No.TNNM 09-000086-2023)

M.C.O.P No. 49 of 2023

(CNR.No.TNNM 09-000085-2023)

M.C.O.P No.48 of 2023

G.Ravikumar (25),
S/o. Govindaraj,
D.No.5/25, Near Mariamman Kovil,
O.Jedarpalayam Post,
Rasipuram TK,
Namakkal Dt. – 637 406.

...Petitioner

/Vs/

1. N.Surendran (66),
S/o. Natarajan,
D.No. 15A/4, Varudhan Street,
Rasipuram,
Rasipuram TK,
Namakkal Dt. – 637 408.

2. The Manager,
National Insurance Company Ltd,
Divisional Office, No. 74A, Paramathi Main Road,
Namakkal Town,
Namakkal Dt – 637 001.

....Respondents

M.C.O.P No. 49 of 2023

1. K.Govindaraj (50), S/o. Late. Kuppusamy,
2. G.Rameshkumar (27), S/o. Govindaraj,
3. G.Ravikumar (25), S/o. Govindaraj,

1 to 3 Petitioners Address:

D.No.5/25, Near Mariamman Kovil,
O.Jedarpalayam Post,
Rasipuram TK,
Namakkal Dt – 637 406.

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These petitions came up before this Tribunal for a final hearing on 05.02.2026 in the presence of Mr. G.Kumar, Counsel for the Petitioners in M.C.O.P.Nos. 48 of 2023 and 49/2023 and Mr.R.Saravanan, Counsel for the First Respondents and Mr. R.Dhanapal, Counsel for the Second Respondents in M.C.O.P.Nos. 48 of 2023 and 49/2023 and on hearing the arguments on the side of the Petitioners and Respondents upon perusal of the entire case records and this petitions having stood over for consideration till this day, this Tribunal delivered the following:

COMMON ORDER

MCOP No. 48 of 2023

1. The petitioner, Mr. G.Ravikumr has filed the petition under section 166 of the Motor Vehicles Act against the respondents, seeking compensation of Rs. 50,00,000/- for injuries he sustained in a road accident on 20.12.2022.

MCOP No. 42 of 2019

2. The petitioners, who are the legal representatives of deceased Mrs. Vijaya, filed the petition under section 166 of the Motor Vehicles Act against the respondents, seeking compensation of Rs. 50,00,000/- for her death caused in a road accident on 20.12.2022.

3. **Brief statement of averments in contained in MCOP No. 48 of 2023 as follows:-**

3.1. On December 20, 2022, at approximately 6:30 PM, the petitioner, Ravikumar, was riding a Yamaha RX 100 motorcycle (Registration No: TN 45 4213) along with his mother, Vijaya. They were travelling from west to east on the left side of the road, approaching the LIC flyover on the main road from Rasipuram to Andalore Gate. At that moment, the driver and owner of the first respondent's vehicle, a Maruti Swift car (Registration No: TN 28 AS 5260), was driving from east to west. The driver operated the vehicle in a rash and negligent manner, travelling at a high speed, and failed to observe traffic rules. As a result, the Maruti Swift suddenly collided with the petitioner's motorcycle.

3.2. Due to the accident, Ravikumar sustained fractures in both legs, facial injuries, and various other injuries throughout his body. The accident occurred solely due to the Maruti Swift's reckless driving. Following the incident, he was taken to the Government Hospital in Rasipuram for first aid and was later transferred to Kauvery Hospital for further treatment. The Rasipuram Police have registered a case (Cr. No.

469/2022) against the owner and driver of the Maruti Swift under Sections 279, 337, and 304(A) of the Indian Penal Code (IPC).

The first Respondent is the owner of the Maruti Swift car (Registration No: TN 28 AS 5260), was involved in the accident, and it has been insured with the second Respondent vide the policy bearing No. 65020031211147465862 with validity for the period from 04.03.2022 to 03.03.2023 which covered the date of the accident 20.12.2022. The first Respondent is the owner, and the second respondent is the insurer of the motorcycle, is vicariously and statutorily liable to pay the compensation as claimed which is arrived at by apportioning different amounts under various heads, to the petitioner. The petition is, therefore, filed.

4. **The gist of the counter-statement filed by the First Respondent is as follows:**

The Petitioner's petition is frivolous and fraudulent; both in law and in equity, this petition is unsustainable. The Petitioner is required to prove all the particulars outlined in the petition. The Petitioner bears the burden of proving that the accident occurred solely due to the rashness, negligence and carelessness of the driver of the Petitioner's vehicle and the First Respondent. The Petitioner's age, occupation, and income have been exaggerated for this petition. At the time of the accident, the vehicle bearing Registration No. TN 28 AS 5260, owned by the First Respondent, was insured with the Second Respondent company, and said insurance was in force. The insurance period extended from March 4, 2022, to March 3, 2023. Therefore, since the insurance coverage for the aforementioned vehicle with the Second Respondent company was subsisting at the time of the accident—and as there was no violation of the terms and conditions—should compensation be awarded to the Petitioner, the Second Respondent is the party obligated to provide such compensation. This petition is liable to be dismissed.

5. Brief statement of counters filed by 2nd Respondent as follows:

5.1. The allegations mentioned in the petition are all false, frivolous, and unsustainable both in law and on the facts. Hence, it is liable to be dismissed in limine. This respondent denies that on 20.12.2022, while the petitioner was riding the bike bearing reg no TN 45 4213 along with his mother on Rasipuram to Andalore gate main road, near the LIC flyover at that time a car bearing reg no TN 28 AS 5260 came in the opposite direction, driven by its driver in a rash and negligent manner, hit the bike and caused the accident. Due to the accident, the petitioner sustained injuries and was given first aid at Rasipuram GH and then at Kauvery hospital, Salem, and spent a sum of Rs. 15,00,000/- towards medical expenses, sustaining permanent disablement. Still, not all are admitted by this respondent.

5.2. The age, occupation and income derived by the petitioner from the above-mentioned occupation are all not admitted by the 2nd respondent herein. The petitioner must prove his disability and medical expenses with concrete documentary evidence. In any event, a claim of Rs. 50/- lakhs for a case of this nature is an excessive one. Therefore, this tribunal is pleased to dismiss the petition with costs.

6. Brief statement of averments in contained in MCOP No. 49 of 2023 as follows:-

6.1. On December 20, 2022, at approximately 6:30 PM, the deceased Vijaya was travelling as a pillion rider in a Yamaha RX 100 motorcycle (Registration No: TN 45 4213) driven by his son Ravikumar, the petitioner in MCOP No. 48 of 2003. They were travelling from west to east on the left side of the road, approaching the LIC flyover on the main road from Rasipuram to Andalore Gate. At that moment, the driver and owner of the first respondent's vehicle, a Maruti Swift car (Registration

No: TN 28 AS 5260), was driving from east to west. The driver operated the vehicle in a rash and negligent manner, travelling at a high speed, and failed to observe traffic rules. As a result, the Maruti Swift suddenly collided with the petitioner's motorcycle.

6.2. Due to the accident, Vijaya sustained fatal injuries and died in the spot itself. The Rasipuram Police have registered a case (Cr. No. 469/2022) against the owner and driver of the Maruti Swift under Sections 279, 337, and 304(A) of the Indian Penal Code (IPC).

6.3. The petitioners are the legal representatives of the deceased. The first Respondent is the owner of the Maruti Swift car (Registration No: TN 28 AS 5260), was involved in the accident, and it has been insured with the second Respondent vide the policy bearing No. 65020031211147465862 with validity for the period from 04.03.2022 to 03.03.2023 which covered the date of the accident 20.12.2022. The first Respondent is the owner, and the second respondent is the insurer of the motorcycle, is vicariously and statutorily liable to pay the compensation as claimed which is arrived at by apportioning different amounts under various heads, to the petitioners. The petition is, therefore, filed.

7. The gist of the counter-statement filed by the First Respondent is as follows:

The Petitioners petition is frivolous and fraudulent; both in law and in equity, this petition is unsustainable. The Petitioners are required to prove all the particulars outlined in the petition. The Petitioner bears the burden of proving that the accident occurred solely due to the rashness, negligence and carelessness of the driver of the Petitioner's vehicle and the First Respondent. The deceased's age, occupation, and income have been exaggerated for this petition. At the time of the accident, the vehicle bearing Registration No. TN 28 AS 5260, owned by the First Respondent, was insured with the Second Respondent company, and said insurance was in force.

The insurance period extended from March 4, 2022, to March 3, 2023. Therefore, since the insurance coverage for the aforementioned vehicle with the Second Respondent company was subsisting at the time of the accident—and as there was no violation of the terms and conditions—should compensation be awarded to the Petitioner, the Second Respondent is the party obligated to provide such compensation. This petition is liable to be dismissed.

8. Brief statement of counters filed by 2nd Respondent as follows:

8.1. The allegations mentioned in the petition are all false, frivolous, and unsustainable both in law and on the facts. Hence, it is liable to be dismissed in limine. This respondent denies that on 20/12/2022, while the petitioner was riding the bike bearing reg no TN45/4213 along with his mother on Rasipuram to Andalore gate main road, near the LIC flyover at that time a car bearing reg no TN 28 AS 5260 came in the opposite direction, driven by its driver in a rash and negligent manner, hit the bike and caused the accident. Still, not all are admitted by this respondent.

8.2. The age, occupation and income derived by the deceased from the above-mentioned occupation are all not admitted by the 2nd respondent herein. The petitioner must prove his disability and medical expenses with concrete documentary evidence. In any event, a claim of Rs. 50/- lakhs for a case of this nature is an excessive one. Therefore, this tribunal is pleased to dismiss the petition with costs.

9. Points for Consideration:

1	Whether the accident was due to the rash and negligent driving of the Maruti Swift car (Registration No: TN 28 AS 5260), by its driver?
2	Whether the petitioners are entitled to get any compensation?
3	Who is liable to pay compensation?

4	What is the quantum of the compensation that the petitioners are entitled to?
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10. The petitioners memo for a joint inquiry, which was recorded. Due to the injuries sustained by the petitioner and death of deceased in the same accident, a joint inquiry was then conducted and evidence recorded in MCOP No. 48 of 2023.

11. During the inquiry, the petitioner in M.C.O.P. No. 48 of 2023 testified as PW1 and submitted documentary evidence marked as Ex. P1 to P 24, P26 and P27. Next, Mr. P. Naveen Raj—who claims to be the eyewitness—was examined as PW2, and through him, Ex. P25 was marked. Subsequently, Mr. C.K. Murugan, the owner of a powerloom unit where the deceased, Vijaya, worked, was examined as PW3; through him, Ex. X1 was marked. Next, Dr. Arunkumar, a Physiotherapist, who treated the injured petitioner was examined as PW4, and through him, Ex.X2 and Ex. X3 were marked. Furthermore, Mr. S. Subin, who serves as the record keeper at Kavery Hospital in Salem, was examined as PW5; through him, Ex. X4 was marked. Additionally, the Disability Certificate issued by the Medical Board functioning at the Namakkal Government Hospital to Ravikumar—the petitioner in the petition M.C.O.P. No. 48/2023—was marked as Ex. C1. There is no oral and documentary evidence on the side of the respondents.

12. A petition under Section 170 of the Motor Vehicles Act was filed by the second respondent and was allowed. The oral and the documentary evidence adduced in the case were perused and the arguments advanced on either side heard.

13. Point No.1

(a) The petitioner in MCOP No. 48 of 2023 examined as P.W.1 and Mr. P. Naveen Raj—who claims to be the eyewitness—was examined as PW2, PW2, before this Tribunal had deposed about the manner of an accident in tune with the claim

petitions. According to the testimony of PW1 and PW2, on December 20, 2022, at approximately 6:30 PM, the petitioner, Ravikumar, was riding a Yamaha RX 100 motorcycle (Registration No: TN 45 4213) along with his mother, Vijaya. They were travelling from west to east on the left side of the road, approaching the LIC flyover on the main road from Rasipuram to Andalore Gate. At that moment, the driver and owner of the first respondent's vehicle, a Maruti Swift car (Registration No: TN 28 AS 5260), was driving from east to west. The driver operated the vehicle in a rash and negligent manner, travelling at a high speed, and failed to observe traffic rules. As a result, the Maruti Swift suddenly collided with the petitioner's motorcycle. To corroborate the aforementioned oral testimonies, the First Information Report, MVI reports of both vehicles, and the Final Report, pertaining to the accident have been marked as Exhibits P1, P3, P4 and P5. On the other hand 2nd respondent did not let evidence contrary to the version of the petitioner as regards the manner of accident. The accident is admitted but manner of accident is denied. The driver of car was not examined as witness to speak about the respondent version of accident. PW1 and PW2 evidence has not been rebutted, so, this tribunal had no reason to reject the evidence. In such circumstances, having regard of oral evidence of PW1 and PW2, and documentary evidence Ex.P1 to P3, negligence could be seen on the part of driver of the Maruti Swift car (Registration No: TN 28 AS 5260).

(d) From the materials available on record, this Tribunal holds that the accident took place only on account of the rash and negligent driving of the Maruti Swift car (Registration No: TN 28 AS 5260), by its driver. The point is answered in the affirmative.

14. Point No.2

(a) After the accident, the petitioner, M.C.O.P. No. 48 of 2023, was admitted to Kauvery Hospital in Salem as an inpatient from December 20, 2022, to December 26, 2022, for seven days, as per Ex.P6, Discharge Summary. He was diagnosed with

polytrauma, including: 1. Right acetabulum (posterior wall and posterior column fracture with posterior dislocation); 3. Right foot drop (sciatic nerve injury); 4. Displaced right femur shaft fracture, upper third, comminuted; 4. Displaced left femur shaft fracture, upper third, comminuted; 6. Right PCL avulsion injury; and 6. Facial injury with zygoma fracture. He underwent procedures on December 20, 2022, including Orthopaedic surgeries: 1. Emergency right acetabulum ORIF; 2. ORIF with nailing of the right femur fracture; 3. CRIF with nail for the left femur fracture; and 4. Sero-thal suturing and wound debridement. On December 21, 2022, he had ORIF with zygoma fixation and suturing performed by a plastic surgeon. Subsequently, the petitioner was admitted as an inpatient at Sugam Hospital, Rasipuram, from December 27, 2022, to December 31, 2022, for five days of treatment, including postoperative management. He was then treated as an inpatient at Kauvery Hospital, Salem, from December 31, 2022, to January 4, 2023, and was diagnosed with right PCL avulsion injury. He underwent an open reduction screw fixation procedure on January 2, 2023, as evidenced by the three teacher summaries provided to him in Ex.P6. The doctor opined that the injuries are of a grievous nature, as evidenced by the wound certificate (Ex.) P2. In view of the above-said facts and circumstances, this Tribunal is of the view that the petitioner is entitled to compensation.

(b) The first information report, marked as Ex.P-1, states that on December 20, 2022, at approximately 6:30 PM, the deceased suffered injuries in a motor vehicle accident and succumbed to the injuries on the spot. Ex. P15, the Death Certificate confirms this. According to Ex.P-14, the postmortem report, the cause of death was determined to be multiple injuries in a road traffic accident. Additionally, Ex.P-16, the legal heirship certificate, shows that the first petitioner is the deceased's husband, petitioners 2 and 3 are her sons, establishing them as the legal heirs. Therefore, this Tribunal concludes that the petitioners are entitled to compensation. Consequently, this point is ruled in favour of the petitioners.

15. Point No.3

(a) The first Respondent, the owner of the the Maruti Swift car (Registration No: TN 28 AS 5260). In his petition, the petitioners mentioned the particulars of the insurance policy of the Maruti Swift car (Registration No: TN 28 AS 5260), was involved in the accident, and it has been insured with the second Respondent vide the policy bearing No 65020031211147465862 with validity for the period from 04.03.2022 to 03.03.2023 which covered the date of the accident 20.12.2022. The 2nd Respondent did not deny the insurance coverage for the vehicle. Hence, this Tribunal has no hesitation in holding that the second Respondent insured the vehicle that caused the accident.

(b) Based on the discussion above, this Tribunal feels that the second Respondent, the insurer of the first Respondent's vehicle, which caused the accident, is liable to pay compensation. The point is answered in favour of the petitioners.

16. Point No.4:**(1) MCOP.No. 48 /2023****(a) Disability**

(1) (a) After the accident, the petitioner, M.C.O.P. No. 48 of 2023, was admitted to Kauvery Hospital in Salem as an inpatient from December 20, 2022, to December 26, 2022, for seven days, as per Ex.P6, Discharge Summary. He was diagnosed with polytrauma, including: 1. Right acetabulum (posterior wall and posterior column fracture with posterior dislocation); 3. Right foot drop (sciatic nerve injury); 4. Displaced right femur shaft fracture, upper third, comminuted; 4. Displaced left femur shaft fracture, upper third, comminuted; 6. Right PCL avulsion injury; and 6. Facial injury with zygoma fracture. He underwent procedures on December 20, 2022, including Orthopaedic surgeries: 1. Emergency right acetabulum ORIF; 2. ORIF with nailing of the right femur fracture; 3. CRIF with nail for the left

femur fracture; and 4. Sero-thal suturing and wound debridement. On December 21, 2022, he had ORIF with zygoma fixation and suturing performed by a plastic surgeon. Subsequently, the petitioner was admitted as an inpatient at Sugam Hospital, Rasipuram, from December 27, 2022, to December 31, 2022, for five days of treatment, including postoperative management. He was then treated as an inpatient at Kauvery Hospital, Salem, from December 31, 2022, to January 4, 2023, and was diagnosed with right PCL avulsion injury. He underwent an open reduction screw fixation procedure on January 2, 2023, as evidenced by the three Discharge summaries provided to him in Ex.P6. The doctor opined that the injuries are of a grievous nature, as evidenced by the wound certificate (Ex. P2).

(ii) Further, the petitioner subjected himself to assessment for his disability by a duly constituted medical board at Government Medical College Hospital, Namakkal. Ex.C-1 is the disability certificate dated 25.10.2023 issued by the Medical Board at that hospital. In Ex.C-1, it is noted that “A case of RTA, pelvis, both hips and both bones of the left thigh fracture. As far as the percentage of disability is concerned, 48 % permanent was assessed. It is pertinent to mention that in serial No. 15 of the Ex.C1- Nature of functional disability, if applicable, noted as nil functional disability. Further, it is noted as pain and difficulty with walking and squatting. Upon placing reliance on the Ex.C1, this tribunal holds that there is no functional disability to the petitioner because of accidental injuries. Considering the nature of the injuries sustained by the petitioner and the fact that he took treatment as an inpatient for 17 days, this Tribunal is of the view that the degree of disability as assessed by the medical board could be accepted, and accordingly, the same is accepted.

(iii) The petitioner has not produced any documents to prove his avocation is affected by the injuries. As already pointed that the petitioner doesn't have any functional disability. In the above-said facts and circumstances of the case, this Tribunal is of the considered opinion that the percentage method for computation of

compensation may be adopted. As the accident in the case on hand took place in the year 2022, **Rs.7,000/-** may be awarded for 1% of disability, and thus, a sum of **Rs.3,36,000/-** is awarded for the **48% of Disability**.

(b) Medical Expenses

The petitioner provided original medical bills (Ex.P7) totalling Rs. 8,83,717/-. The second respondent strongly contested the bills' authenticity. The second respondent disputed Sl. nos. 1 to 7, 9, 19, 25, 26, 27, 29, 43, 44, 46, 49, 51, 53, 58, and 64 of the medical bills, as well as a sum of Rs. 37,069/-, which was considered excessive or a double receipt. The counsel for the petitioner fairly conceded the deduction of Rs. 37,069 from Ex. P6. Furthermore, the petitioner produced medical bills totaling Rs. 1,17,288/- for follow-up treatment at Sri Suraksha Hospital, Salem, after the filing of the claim, under Ex. P26. Upon verification, the bills relate to the patient's treatment, and he is entitled to Rs. 1,17,288/-. The Tribunal, considering the severity of the injuries and the duration of treatment, approves **Medical Expenses of Rs. 9,63,936/-** as per the original medical bill (Ex. P7 and Ex. P26).

(c) Loss of Income

The petitioner testified that, at the time of the accident—when he was 25 years old—he had completed his B.E. degree and was self-employed, operating a shop named "RR Traders" on the Namagiripettai-Rasipuram Main Road (near the Namagiripettai Police Station), where he engaged in the purchase and sale of electrical and plumbing supplies. He further testified that he had filed a registration certificate (Ex.P 13) in support of this claim and that he was earning a monthly income of ₹50,000 from this business. He stated that the injuries he sustained resulted in a permanent disability, rendering him unable to perform any work; consequently, he was compelled to shut down his shop, "RR Traders," and currently remains without any source of income. An examination of the document Ex. P 13

confirms that the petitioner was indeed self-employed under the name "RR Traders." However, no documents have been filed to substantiate his claimed income. Similarly, no evidence has been submitted to support the assertion that the business was closed down specifically due to the injuries sustained by the petitioner. As no documentary evidence of the business's closure has been filed in this case, the petitioner's claim that he shut down his establishment does not appear credible. Furthermore, because no documents regarding the business's earnings at the time of the accident have been submitted, it cannot be concluded that a loss of income occurred. In the absence of any evidence regarding a loss of income, there is no basis to grant any award under this specific head.

(d) Pain and suffering and Mental Agony:

It may be noted that the petitioner was diagnosed with diagnosed with grievous injuries. He was treated by multiple procedures and he was hospitalized for four occasions. The doctor opined that the injury is of a grievous nature, as evidenced by the wound certificate. Hence, this Tribunal feels that **Rs. 75,000/-** may be awarded towards **Pain and Suffering and Mental Agony**, and thus, the same is awarded.

(e) Other Heads

(i) The petitioner would have incurred transportation expenses to take treatment and hence, **Rs.20,000/-** is fixed towards **Transportation Expenses**.

(ii) As the petitioner sustained injuries and suffered disability, he would have been in need of **Nutrition Expenses** and therefore, this Tribunal is inclined to award **Rs. 15,000/-** in this respect.

(iii) For **Damage of Clothes** as would have been caused, he is entitled to **Rs.1,000/-**.

(iv) The petitioner took treatment as in-patient for 21 days as per the discharge summaries Ex.P 6 and Ex. P27 and therefore, he would have required the services of

an attender for a period of 21 days, and hence, at the rate of Rs.500/- per day, **Rs. 10,500/-** (21days x Rs.500/-) is awarded towards **Attender Charges**.

(v) Due to the injuries sustained by the petitioner, he would forgo certain amenities at present and future. Considering these facts, Rs.50,000/- is awarded towards **Loss of Amenities**.

(e) On the discussion made above, the compensation, as apportioned under various heads, is awarded as below:-

1.	Disability	:	Rs.3,36,000/-
2.	Medical expenses	:	Rs. 9,63,936/-
3.	Loss of Income	:	Rs. Nil
4.	Pain and Suffering	:	Rs. 75,000/-
5.	Transportation Expenses	:	Rs. 20,000/-
6.	Nutrition Expenses	:	Rs. 15,000/-
7.	Damages to Clothes	:	Rs. 1,000/-
8.	Attender charges	:	Rs. 10,500/-
9.	Loss of Amenities	:	Rs. 50,000/-

	Total		Rs. 14,71,436/-

(f) The amount of Rs. 14,71,436/- is rounded up to Rs. 14,71,500/-. Consequently, the petitioner is entitled to **Rs.14,71,500/- (Rupees Fourteen lakhs Seventy One Thousand and Five Hundred only)** as just and fair compensation.

17. Pursuant to the directions of the Hon'ble High Court of Madras in CMA No.428/16 dated 11.03.2016 reported in 2016(1) TNMAC 433(DB), the petitioner have produced a copy each of the first page of their bank pass books and Aadhar cards, before this Tribunal.

(2) MCOP.No. 49/2023

(a) In a case of this nature where the person dies in a motor accident and his/her legal heirs claim compensation, guidelines have been framed by the Hon'ble Supreme Court in *Sarala Verma(Smt.) and Others vs. Delhi Transport Corporation and another* [(2009) 6 SCC 121] and *National Insurance Company Limited vs. Pranay Sethi and Others* (AIR 2017 SC 5157) for assessment of compensation. It was observed in *Sarala Verma (Smt.) and Others vs. Delhi Transport Corporation and another* that basically only three facts need to be established by the claimants for assessing compensation in the case of death and they are, (a) age of the deceased, (b) income of the deceased, and (c) number of dependents, and that the issues to be determined by the Tribunal to arrive at the loss dependency are, (i) additions/ deductions to be made for arriving at the income (ii) the deduction to be made towards the personal and living expenses of the deceased, and (iii) 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.

(i) Age of the Deceased

The petition mentioned that the deceased, Mrs. Vijaya, was 46 years old. However, the petitioners did not provide documentary evidence regarding the deceased's date of birth. The postmortem certificate mention the deceased's age as 48 years. Taking these circumstances into consideration, this Tribunal has concluded that the deceased's age is fixed at 48 years as of the date of the accident, as per the postmortem certificate.

(ii) Annual Income of the Deceased

(a) In the petition, the deceased's monthly income is stated as Rs. 20,000/-, and he was working as a power loom worker. To prove the deceased's employment and income, the petitioners examined Mr. C.K. Murugan—who claims to own the powerloom where Vijaya worked—as PW3 on their behalf. In his testimony, he stated

that he runs a weaving business called "Kaveri Textiles" near the Mariamman Temple in O. Jedarpalayam, Rasipuram; that five people are employed by him; and that the deceased, Vijaya, worked in his powerloom for seven years. He further testified that, at the time of her death, she was earning a monthly salary of ₹18,000 to ₹20,000; the salary certificate issued to her has been marked as Exhibit X1. On the other hand, Vijaya's employment and income were challenged by the respondents. During cross-examination, it was pointed out that PW3 failed to submit any documentary proof of his ownership of "Kaveri Textiles" nor any documents related to running a small-scale business; additionally, it was argued that Exhibit X1 is simply a computer-generated printout. If PW3 truly owned "Kaveri Textiles," he would likely possess the necessary registration certificate and business financial records (income and expenditure ledgers). Showing such a certificate would have definitely supported his claim of operating a power loom business. Similarly, reviewing his company's financial records would have provided detailed information about the number of employees and their salaries. However, because there is no documentary evidence of the actual business operations or financial transactions of "Kaveri Textiles"—relying solely on a printout—the claim that he operates a textile firm or that Vijaya was employed by him cannot be verified. Without supporting evidence, reliance on Exhibit X1 is unwarranted; in fact, it appears that this document was created specifically for this case. Therefore, this Tribunal rejects Exhibit X1.

(b). Therefore, this Tribunal suggests that a notional income may be taken. Taking into account the facts and circumstances of the case, as well as the socio-economic conditions and the age of the deceased at the time of the accident, this Tribunal proposes that the monthly income of the deceased be fixed at Rs. 10,000/-, resulting in an Annual Income of Rs. 1,20,000/-.

(iii) Future Prospects

The Hon'ble Supreme Court has in National Insurance Company Limited vs. Pranay Sethi and Others, case addresses the future prospects for individuals who have died in motor vehicle accidents. While determining the income, an addition of 25% of actual salary to the income of the deceased towards future prospects, where the deceased had **self employment or fixed salary** and was below the age of 50 years, should be made. Therefore, as the age of the deceased was 48 years at the time of accident, 25% of actual salary has to be added to the monthly income of the deceased towards future prospects. Therefore, the **Annual Income** of the deceased would be **Rs.1,50,000/-** (Rs.1,20,000 /-+ 25% thereof).

(iv) Number of Dependents

In the case of Sarala Verma (Smt.) and Others vs. Delhi Transport Corporation and another, the Hon'ble Supreme Court ruled that in situations where the deceased is survived by two to three family members and dependents, one-third (1/3rd) of the annual income should be deducted for the deceased's personal expenditure. Therefore, the court determined that **Rs.1,00,000/-** (Rs. 1,50,000/- minus 1/3 thereof) is the deceased's contribution to the family for a year.

(v) Multiplier and Total Loss of Dependency

For determining the multiplier, the guidelines of the Hon'ble Supreme Court in *Sarala Verma(Smt.) and Others vs. Delhi Transport Corporation and another* need be followed. In that case, the Hon'ble Supreme Court has held that if the age of the deceased was 46 to 50 years, the multiplier to be used should be 13. As stated earlier, at the time of death, the age of the deceased was 48 years. Therefore, adopting the multiplier 13, the total loss of dependency will arrive at **Rs. 13,00,000/- (Rs. 1,00,000/- *13)**.

(vi) Loss of Estate and Funeral Expenses

The Hon'ble Supreme Court has envisaged that under the conventional heads, namely loss of estate and funeral expenses, a sum of Rs.16,500/- each may be awarded, Therefore, **Rs.16,500/- each towards Loss of Estate and Loss of Funeral Expenses** is awarded to the petitioners.

(vii) Loss of Consortium

In light of the judgment in the case of **United India Insurance Co. Ltd. v. Satinder Kaur, (2021) 1 SCC 780 : (2022) SCC (Cri) 306, dated 30-06-2020**, this Tribunal believes that each of the petitioners should be awarded a sum of Rs. 44,000/- for the spousal and parental consortium, Totaling **Rs. 1,32,000/- (Rs. 44,000×3)**. This amount is hereby awarded accordingly.

(viii) Transportation Expenses

It may be noted that the petitioners would have incurred expenses to take the deceased from the Hospital, to their house. Hence, a sum of **Rs.5,500/-** may be awarded towards **Transportation Expenses**.

(ix) In view of the discussion made above, the compensation under various heads is as follows:-

Loss of dependency	- Rs. 13,00,000/-
Loss of estate	- Rs. 16,500/-
Funeral expenses	- Rs. 16,500/-
Loss of Consortium	- Rs. 1,32,000/-
Transportation expenses	- Rs. 5,500/-
Total	- Rs. 14,70,500/-

(x) *In fine*, the petitioners are entitled to a sum of **Rs. 14,70,500/- (Rupees Fourteen Lakhs Seventy Thousand and Five Hundred only)** as just and fair compensation.

18. Pursuant to the directions of the Hon'ble High Court of Madras in CMA No.428/16 dated 11.03.2016 reported in 2016(1) TNMAC 433(DB), the petitioner have produced a copy each of the first page of their bank pass books and Aadhar cards, before this Tribunal.

M.C.O.P.No. 48/2023

In the result,

(1) That the petition is partly allowed with proportionate costs against respondents 1 and 2, being jointly and severally liable, for the compensation of **Rs.14,71,500/- (Rupees Fourteen lakhs Seventy One Thousand and Five Hundred only)** including interim award passed if any, payable with interest at 7.5% per annum from the date of numbering of the petition, i.e., 02.02.2023 till the date of realization. Whereas, if the petition is dismissed for default, the petitioners are not entitled to any interest for that period of default.

(2) Suppose the 2nd respondent aggrieved with the award and intends to prefer an appeal against it. In that case, they must deposit the appeal amount into the credit of this Tribunal's bank account, specifically the State Bank of India, Rasipuram Branch, A/c No. 42868975842, IFSC code No. SBIN0001310, MICR No. 636002017, directly via NEFT or RTGS, and inform the petitioner(s) and the Tribunal of the deposit details along with a copy of the bank advice.

(3). According to the judgment of the **Hon'ble Supreme Court in the case of Parminder Singh vs. Honey Goyal and Others (S.L.P No. (C) No. 4484 of 2020), dated March 18, 2025**, tribunals are instructed to issue an award directing the respondent to transfer the awarded amount into the claimants' bank account, with

proper notification provided to the tribunals. **As per this directive, the second respondent (the insurance company) is required to transfer the awarded amount to the claimant's bank account. This should be done after the claimant presents the remittance slip for the remaining court fees to the counsel of Insurance Company, along with the necessary verification endorsement from the Sheristadar of this Court. Otherwise, the Insurance Company is instructed not to effect the transfer of the award.**

(4). The claimant is further directed to deposit the balance of the court fee within 15 days. If they fail to do so, they will not be entitled to the interest on the awarded amount.

(5). The counsel for the 2nd respondent (insurance company) is directed to submit the payment of the award, along with proof of the balance court fees remittance slip by the petitioner, to this Court immediately after the deposit.

(6) That in view of the directions issued by the Hon'ble Division Bench of the Madras High Court in C.M.A.No.428 of 2016 dated 11.03.2016, the petitioner is hereby directed to furnish a self-attested copy of the PAN card to this Tribunal, within a period of one month from today.

(7) That the Court fee paid along with the petition is Rs.20.00/-

(8) That the Court fee for the award amount is **Rs.14087/-**

(9) Advocate fee is Rs.21715/-. The deficit court fee of Rs. 14067/- shall be paid by the Petitioner within two weeks from the date of order.

(10) That the respondents do pay to the petitioner a sum of Rs. 35887/- towards the costs of this petition.

Bank Particulars:

Petitioner Name : G.Ravikumar

Aadhar No. 5183 0283 5013

Bank Name and Branch : Indian Oversease Bank, Namagiripettai

Bank Account No: 366201000002503

IFSC Code: IOBA0003662

MICR Code: 636020052

Other necessary particulars:

Date of Presentation of petition	-	19.01.2023
Date of taken up on file	-	02.02.2023
Compensation claimed in the M.C.O.P.	-	Rs.50,00,000/-
Compensation awarded in this petition	-	Rs.14,71,500/-
Court fee paid along with the petition	-	Rs.20.00
Court fee payable on the award amount	-	Rs.14087/-
Additional court fee shall be paid	-	Rs. 14067/-
Additional court fee paid, MPSR.No.....;		dated

Cost List for the petitioner

STATEMENT OF COSTS

<u>For the petitioners</u>			<u>For the Respondents</u>
	<u>Rs.</u>	<u>P.</u>	<u>Rs.</u>
			<u>P.</u>
Stamp on petition	-	14087 . 00	
Stamp on Vakalat	-	10 . 00	
Stamp for process	-	75 . 00	-- not filed --
Advocate fees		21715 . 00	
Costs allowed	-	35887 00	

M.C.O.P.No. 49/2023

In the result,

(1) That the petition is partly allowed with proportionate costs against respondents 1 and 2, being jointly and severally liable, for the compensation of **Rs. 14,70,500/- (Rupees Fourteen Lakhs Seventy Thousand and Five Hundred only)** including interim award passed if any, payable with interest at 7.5% per annum from the date of numbering of the petition, i.e., 02.02.2023 till the date of realization.

Whereas, if the petition is dismissed for default, the petitioners are not entitled to any interest for that period of default.

(2) Suppose the 2nd respondent aggrieved with the award and intends to prefer an appeal against it. In that case, they must deposit the appeal amount into the credit of this Tribunal's bank account, specifically the State Bank of India, Rasipuram Branch, A/c No. 42868975842, IFSC code No. SBIN0001310, MICR No. 636002017, directly via NEFT or RTGS, and inform the petitioner(s) and the Tribunal of the deposit details along with a copy of the bank advice.

(3) That the apportionment of the compensation amount of **Rs. 14,70,500/- (Rupees Fourteen Lakhs Seventy Thousand and Five Hundred only)** is as follows: The first petitioner husband of the deceased will get Rs. 7,00,000/- second and third petitioners, the sons of the deceased will get each Rs.3,85,250/- each.

(4). According to the judgment of the **Hon'ble Supreme Court in the case of Parminder Singh vs. Honey Goyal and Others (S.L.P No. (C) No. 4484 of 2020), dated March 18, 2025**, tribunals are instructed to issue an award directing the respondent to transfer the awarded amount into the claimants' bank account, with proper notification provided to the tribunals. **As per this directive, the second respondent (the insurance company) is required to transfer the awarded amount to the claimant's bank account. This should be done after the claimant presents the remittance slip for the remaining court fees to the counsel of Insurance Company, along with the necessary verification endorsement from the Sheristadar of this Court. Otherwise, the Insurance Company is instructed not to effect the transfer of the award.**

(5). The claimants are further directed to deposit the balance of the court fee within 15 days. If they fail to do so, they will not be entitled to the interest on the awarded amount.

(6). The counsel for the 2nd respondent (insurance company) is directed to submit the payment of the award, along with proof of the balance court fees remittance slip by the petitioner, to this Court immediately after the deposit.

(7) That in view of the directions issued by the Hon'ble Division Bench of the Madras High Court in C.M.A.No.428 of 2016 dated 11.03.2016, the petitioner is hereby directed to furnish a self-attested copy of the PAN card to this Tribunal, within a period of one month from today.

(8) That the Court fee paid along with the petition is Rs.20.00/-

(9) That the Court fee for the award amount is **Rs.14077/-**

(10) Advocate fee is Rs. 21705/-. The deficit court fee of Rs.14057/- shall be paid by the Petitioner within two weeks from the date of order.

(11) That the respondents do pay to the petitioner a sum of Rs.35852/- towards the costs of this petition.

Bank Particulars:

First Petitioner Name : K.Govindaraj

Aadhar No. 3614 0732 0415

Bank Name and Branch : Indian Oversease Bank, Namagiripettai

Bank Account No: 366201000008365

IFSC Code: IOBA0003662

MICR Code: 636020052

Bank Particulars:

Second Petitioner Name : G.Rameshkumar

Aadhar No. 3665 0578 2791

Bank Name and Branch :Indian Oversease Bank, Namagiripettai

Bank Account No: 366201000004426

IFSC Code: IOBA0003662

MICR Code: 636020052

Bank Particulars:

Third Petitioner Name : G.Ravikumar

Aadhar No. 5183 0283 5013

Bank Name and Branch : Indian Oversease Bank, Namagiripettai

Bank Account No: 366201000002503

IFSC Code: IOBA0003662

MICR Code: 636020052

Other necessary particulars:

Date of Presentation of petition	-	19.01.2023
Date of taken up on file	-	02.02.2023
Compensation claimed in the M.C.O.P.	-	Rs.50,00,000/-
Compensation awarded in this petition	-	Rs.14,70,500/-
Court fee paid along with the petition	-	Rs.20.00
Court fee payable on the award amount	-	Rs.14077/-
Additional court fee shall be paid	-	Rs.14057/-
Additional court fee paid, MPSR.No.....; dated		

Cost List for the petitioner

STATEMENT OF COSTS

<u>For the petitioners</u>			<u>For the Respondents</u>
	<u>Rs.</u>	<u>P.</u>	
Stamp on petition	-	14077 . 00	
Stamp on Vakalat	-	10 . 00	
Stamp for process	-	60 . 00	-- not filed --
Advocate fees		21705 . 00	
Costs allowed	-	35852 . 00	

The direction regarding copy of the Judgment and decretal order prepared under Sub rule 6 of Rule 20 of TNMAC Rules, 1989, and Hon'ble Madras High Court's communication in R.O.C.No.390-A/2014/F1 dated 13.02.2014 are obediently followed. And further it is informed, as per the direction of the Hon'ble High Court, as far as this claim Petition is concerned, Decree is not drafted separately. And in the award, instead of drafting the decree, necessary details have been incorporated in this claim Petition's order.

Dictated to the Steno-typist, directly typed by her in the computer, corrected and pronounced by me in the open court on this the 23rd day of March 2026.

Subordinate Judge,
Rasipuram

M.C.OP.No. 48/2023

Petitioner side Witnesses:

- P.W.1 Thiru. G.Ravikumar
P.W.2 Thiru. Nanveenraj
P.W.3 Thiru. C.K.Murugan
P.W.4 Dr.Arunkumar, Physiotherapist
P.W.5 Thiru. Subin, Junior Executive, Kauvery Hospital, Salem

Petitioner side Exhibits:

- Ex.P1 Copy of First Information Report
Ex.P2 Copy of Wound Certificate
Ex.P3 Copy of Vehicle No. TN 28 AS 5260 Maruthi Car Motor Vehicle Report
Ex.P4 Copy of Vehicle No. TN 45 4213 Yamaha Two Wheeler Motor Vehicle Report
Ex.P5 Copy of Final Report
Ex.P6 Discharge Summarys Kauvery Hospital, Salem & Sugam Hospital, Rasipuram (M.C.O.P.48/2023)
Ex.P7 Medical Bills of Petitioner (M.C.O.P.48/2023)
Ex.P8 C.T. SCAN No.3 (Original)
Ex.P9 Copy of Petitioner Driving License
Ex.P10 Copy of Petitioner's Aadhar card (M.C.O.P.48/2023)
Ex.P11 Copy of Petitioner's PAN Card (M.C.O.P.48/2023)
Ex.P12 Copy of Petitioner's Bank Pass Book (M.C.O.P.48/2023)
Ex.P13 Copy of Registration Certificate (RR Traders)
Ex.P14 Copy of Vijaya Postmortem certificate (M.C.O.P.49/2023)

- Ex.P15 Copy of Vijaya Death Certificate (M.C.O.P.49/2023)
Ex.P16 Copy of Vijaya Legal Heirship Certificate (M.C.O.P.49/2023)
Ex.P17 Copy of First Petitioner's Aadhar card (M.C.O.P.49/2023)
Ex.P18 Copy of First Petitioner's Voter Identify card (M.C.O.P.49/2023)
Ex.P19 Copy of First Petitioner's PAN Card (M.C.O.P.49/2023)
ExP 20 Copy of First Petitioner's Bank Pass Book (M.C.O.P.49/2023)
Ex.P21 Copy of Second Petitioner's Aadhar card (M.C.O.P.49/2023)
Ex.P22 Copy of Second Petitioner's Voter Identify card (M.C.O.P.49/2023)
Ex.P23 Copy of Second Petitioner's PAN Card (M.C.O.P.49/2023)
Ex.P24 Copy of Second Petitioner's Bank Pass Book (M.C.O.P.49/2023)
Ex.P25 Copy of Nanveenraj Driving License
Ex.P26 Medical Bills of Petitioner (M.C.O.P.48/2023)
Ex.P27 Discharge Summarys Sri Surakkshaa Hospital, Salem (M.C.O.P.48/2023)

Respondents side Witnesses & Exhibits: Nil

Court Documents:

- Ex.C1 Medical Board Disability Certificate (G.Ravikumar) (M.C.O.P.48/2023)
(Original)

Witnesses Documents:

- X1 Salary Certificate (Original)
X2 Copy of Dr.Arunkumar Identify Card
X3 Copy of Dr.Arun Physio Rehab Center Registration Certificate
X4 Authorization Letter

Subordinate Judge,
Rasipuram

