



Before the Motor Accident Claims Tribunal, Ramanathapuram.
(Additional District Court, Ramanathapuram.)

Present : **Thiru.C. Mohanram, M.A., B.L.,**
Motor Accident Claims Tribunal Authority, Ramanathapuram
(Additional District Judge, Ramanathapuram.)

Friday, the 24th day of April 2026

M.C.O.P. No.150/2022
(CNR.No.TNRM 01 003387 2022)

M.C.O.P. No.152/2022
(CNR.No.TNRM 01 003386 2022)

M.C.O.P. No.150/2022

1. Gayathri, aged about 26 years, W/o.Late Satheeswaran, Door No.17, Meenakshipuram, Soorangkottai Post, Ramanathapuram Town, Ramanathapuram Taluk and District.

2. Minor Mihan Shuvera, aged about 1 year, S/o.Late Satheeswaran, Door No.17, Meenakshipuram, Soorangkottai Post, Ramanathapuram Town, Ramanathapuram Taluk and District.

(Minor 2nd petitioner represented by his mother and natural guardian
1st petitioner)

3. Sathaiya, aged about 63 years, S/o.Azhagan, Door No.17, Meenakshipuram, Soorangkottai Post, Ramanathapuram Town, Ramanathapuram Taluk and District.



4. Sarmmal, aged about 62 years, W/o.Sathaiya, Door No.17, Meenakshipuram, Soorangkottai Post, Ramanathapuram Town, Ramanathapuram Taluk and District.

....Petitioners

M.C.O.P. No.152/2022

Velmurugan @ Tamilmurugan, aged about 36 years, S/o.Muniyandi, Door No.3/3132, Meenakshinagar, Near Old Checkpost, Pattinamkathan, Ramanathapuram, Ramanathapuram Taluk and District.

....Petitioner

/Vs/

M.C.O.P. No.150/2022 & M.C.O.P. No.152/2022

1. Vineeth, S/o. Kannan, Pullangkudi Village and Post, Ramanathapuram Taluk and District.

2. Karthick, S/o. Nedunchezhiyan, Door No.10, Thangavayal, Saratha Nagar, Thiruppur Town, Thiruppur District.

3. The Manager, Chozha M.S. General Insurance Company Ltd., 2nd Floor, Dare House, No.2, N.S.C. Bose Road, Chennai.

....Respondents

Date of Presentation in both petitions : 10.08.2022

Date of Filing in both petitions : 22.08.2022



These petitions were coming before me on 07.04.2026 in the presence of Thiru.K.Anbuezhayan, Counsel for the petitioners in both petitions and Thiru.A.Dharmaraj, Counsel for the 3rd respondent in both petitions and respondents 1 & 2 have remained exparte and upon hearing the arguments of both side and upon perusal of all connected material records and having stood over for consideration till this date, this court delivers the following...

COMMON ORDER

M.C.O.P. No.150/2022

This petition is filed by the petitioners U/s.140, 141, 142, 163(B), 166 and 182(A) and Rule 3(1) of MACT Rules 54/94 Amended of M.V. Act, claiming compensation to the tune of Rs.71,10,000/- with future interest and costs for the death of Karthick in a Road Traffic Accident.

2. M.C.O.P. No.152/2022

This petition is filed by the petitioner U/s.140, 141, 142, 163(B), 166 and 182(A) and Rule 3(1) of MACT Rules 54/94 Amended of M.V. Act, claiming compensation to the tune of Rs.53,20,000/- with future interest and costs for the injuries sustained by the petitioner in a Road Traffic Accident.



3. The claim petition in MCOP.No.152/2022 has been filed by Velmurugan @ Tamilmurugan who is petitioner in the above claim petition. The petitioners in MCOP.No.150/2022 are wife, son and parents of deceased Satheeswaran. Both claim petitions were taken for joint trial and the evidence was recorded in MCOP.No.150/2022.

4. The 1st petitioner in MCOP.No.150/2022 has been examined as PW1 and she has marked 19 documents as Ex.A1 to Ex.A19. The petitioner in MCOP.No.152/2022 Velmurugan has been examined as PW2 and he has marked 2 documents as Ex.A20 and Ex.A21.

5. Point for consideration is whether the accident was occurred due to negligent riding on the part of 1st respondent and the respondents 1 to 3 are jointly and severally liable to pay compensation.

6. As per the evidence of PW1 she has not witnessed the accident. PW2 who is rider of the Motorcycle TN 65 U 3182 has deposed that on 09.02.2022 at about 9.00 p.m. he has ridden the Motorcycle TN 65 U 3182 along with deceased Satheeswaran who was sitting as a pillion rider and when they were going in between Sakkaravalanallur Arch and Peruvayal



Arch on the north of 10 feet away from mile stone No.166/4 keeping left side of the road i.e. on the eastern side of the road, a Motorcycle bearing Reg. No.TN 39 CM 5837 belonging to 1st respondent ridden by its rider came in a high speed rashly negligently without sounding horn and hit against Motorcycle behind the back and as a result both of them fell down from the Motorcycle and he sustained grievous injuries in his right feet and right ankle and also forehead. The pillion rider Satheeswaran sustained injuries in his head and all over body and blood came out from his both ear and died on the spot itself. The rider of the Motorcycle belonging to 1st respondent Vineeth has also sustained injuries.

7. PW2 has further deposed that he was taken to Government Hospital, Ramanathapuram by 108 Ambulance where he was given first aid and thereafter he was shifted to Government Rajaji Hospital, Madurai where he was admitted as inpatient and discharged on 26.02.2022.

8. The petitioner Velmurugan (PW2) in his evidence categorically deposed that the accident was happened due to rash and negligence driving of the 1st respondent's rider. Had the 1st respondent's rider ridden the



Motorcycle carefully, the accident would not have happened.

9. The Devipattinam Police have registered a case against 1st respondent in Cr.No.27/2022 u/s.279, 337 and 304(A) IPC. The FIR has been marked as Ex.P1 through PW1. Upon perusal of Ex.P1 FIR, this Court finds that a case was registered against 1st respondent on the basis of complaint given by petitioner Velmurugan in MCOP.No.152/2022 who was examined as PW2.

10. The respondents 1 and 2 who are the rider as well as owner of the alleged offending Motorcycle have not chosen to contest the case of the petitioners. The 3rd respondent who is insurer of the 2nd respondent Motorcycle is contesting the case of the petitioners. The learned counsel for 3rd respondent would suggest to PW2 Velmurugan that PW2 Velmurugan without giving any signal had suddenly stopped the vehicle and therefore, the 1st respondent's rider who was coming behind it had to hit against the Motorcycle ridden by petitioner Velmurugan and that suggestion was denied by PW2 Velmurugan.



11. From the evidence of PW2 Velmurugan and FIR and also the suggestion put to PW2 in the cross examination, it is very clear that the 1st respondent who is rider of the Motorcycle had hit the Motorcycle ridden by petitioner Velmurugan who was going ahead. So, the burden is upon the respondents 1 and 2 that the accident was not occurred as alleged by PW1 and PW2. As already stated herein above, the respondents 1 and 2 have not come forward to deny the case of the petitioners.

12. The learned counsel for 3rd respondent has put a question to PW2 that the Motorcycle TN 65 U 3182 has got damage on its front side and for that PW2 answered that due to hit and impact his vehicle was thrown away and so the front portion of the vehicle got damage.

13. The learned counsel for 3rd respondent would contend that the Motorcycle ridden by petitioner Velmurugan has not got damage on the back side of the vehicle. The Motor Vehicle Inspector's report relating to TN 65 U 3182 has been marked as Ex.P5. The Motor Vehicle Inspector has not recorded that the above said Motorcycle has got damage on the back side of the vehicle.



14. The learned counsel for 3rd respondent would contend that the offending vehicle has also got damage in its front side. If really the offending Motorcycle hit against the rear side of the Motorcycle TN 65 U 3182 ridden by petitioner Velmurugan, the said vehicle would have damaged on its back side. But no such damage found on the back side of the vehicle and therefore the accident was not occurred as alleged by PW1 and PW2.

15. It is true that the Motorcycle ridden by petitioner Velmurugan has got no damage on its back side. But at the same time, the Motorcycle ridden by 1st respondent has got damage in the front side of the vehicle. So, the 3rd respondent cannot contend that the accident would not have happened as alleged by petitioners. When the respondents 1 and 2 have not specifically challenged or denied the case of the petitioners. So from the evidence of PW1 and PW2 and FIR, this Tribunal without any hesitation can come to conclusion that the accident was happened solely due to rash and negligence driving on the part of 1st respondent.



16. This Tribunal has held that the accident was happened solely due to negligence on the part of 1st respondent. So, the 1st respondent being the tortfeasor and 2nd respondent being the owner as well as insurer of the offending Motorcycle are liable to pay compensation.

17. The 1st petitioner Gayathri (PW1) has marked the MVI Report relating to offending Motorcycle TN 39 CM 5837. As per MVI Report, the offending Motorcycle was insured with 3rd respondent Insurance Company. The 1st petitioner Gayathri has also marked the Insurance Policy relating to offending Motorcycle belonging to 2nd respondent. The 3rd respondent has admitted that the offending Motorcycle belonging to 2nd respondent was insured with 3rd respondent Insurance Company.

18. On the side of 3rd respondent the legal officer of the 3rd respondent Insurance Company namely Vidyadharan has been examined as RW1 and through whom copy of policy and notice issued to 2nd respondent has been marked as Ex.R1 and Ex.R2. It is the specific case of the 3rd respondent Insurance Company that the 1st respondent Vineeth is rider of the 2nd respondent's Motorcycle had no valid Driving License. To prove the same,



he is relied on MVI report and also notice issued to 2nd respondent to produce the Driving License of the 1st respondent. The 3rd respondent Insurance Company has also issued notice to 1st respondent has been served.

19. On the other hand, notice issued to 2nd respondent has been returned as insufficient address. Upon perusal of Ex.R2, this Tribunal is able to understand that notice has been sent to the address given in the policy. So, the 3rd respondent Insurance Company has proved that the 2nd respondent has allowed the 1st respondent to ride his Motorcycle who had no valid driving license and thereby breached the policy condition. But at the same time, the petitioner Velmurugan and deceased Satheeswaran are 3rd parties to 3rd respondent Insurance Company. So, the 3rd respondent Insurance Company being the insurer of the offending vehicle is liable to pay compensation on behalf of the 2nd respondent at first under the law of indemnity and then recover from the 2nd respondent under Principle of pay and recovery. Thus, the respondents 1 to 3 are jointly and severally liable to pay compensation to the petitioners.



20. MCOP.No.150/2022 (Regarding Quantum):

The petitioners in their petition have stated that the deceased Satheeswaran was 34 years old at the time of accident. The 1st petitioner who is wife of the deceased Satheeswaran has marked Postmortem Certificate as Ex.P8. As per Ex.P8 the age of the deceased Satheeswaran was 34 years. The Pan Card of deceased Satheeswaran issued by Income Tax Department is marked as Ex.P19. As per Ex.P19, the deceased Satheeswaran was born on 03.03.1988. The accident took place on 09.02.2022. As per pan card, the age of the deceased Satheeswaran was 34 years at the time of accident.

21. The case of the petitioners is that the deceased Satheeswaran was doing medical shop business and the license issued to deceased Satheeswaran by the Licensing Authority are marked as Ex.P17. The 1st petitioner have stated that the deceased Satheeswaran was earning Rs.50,000/-/- p.m. But they have not produced any document to prove the same. Considering the nature of business and the dependents, this Tribunal is of the considered view that the deceased Satheeswaran would have earned Rs.20,000/- p.m. Accordingly, the income of the deceased



Satheeswaran is fixed notionally at **Rs.20,000/-** p.m.

22. As per judgment of the Hon'ble Apex Court in the case of Sarala Varma and Pranay Sethy cases, future prospectus has to be taken into account. In this case, Hon'ble Supreme Court has held that, an addition of 40% of the established income should be taken into account where the deceased was aged 34. Hence, the petitioners are entitled to get future prospects at 40% of Rs.20,000/- i.e.,Rs.8,000/-. Total income of the deceased Rs.20,000/- + Rs.8,000 /- = **Rs.28,000/-**.

23. There are 4 family members (Petitioners 1 to 4) left by the deceased Satheeswaran as dependents at the time of an accident. As per the decision of **Hon'ble Supreme Court in Pranay Sethi case**, 1/4th is to be deducted for personal and living expenses. 1/4th of Rs.28,000/- is Rs.7,000/-. Rs.28,000/- – Rs.7,000/- = **Rs.21,000/-**. The age of deceased Satheeswaran was 34 as per Pan Card. Hence, the proper multiplier as per the decision of **Pranay Sethi case** is **16**.

Loss of Dependency is worked at Rs.21,000/-X 12 X 16 = Rs.40,32,000/-



24. In the case of Pranay Sethi, the Hon'ble Supreme Court has directed that the conventional heads like loss of estate, loss of consortium and funeral expenses should be enhanced at the rate of 10% in every three years. The above judgment was rendered in the year 2017. The accident in question took place in the year 2022. Therefore, the compensation under the head of loss of estate, loss of consortium and funeral expenses are estimated at Rs.44,000/- towards loss of Consortium and Rs.16,500/- each towards funeral expenses and loss of estate.

25. This Tribunal following the Judgment of the Hon'ble Apex Court held that the petitioners are entitled to get just compensation. Accordingly, the total compensation awarded to the petitioners under the various heads are as follows:

1. Loss of Dependency	Rs.	40,32,000
2. Loss of Consortium to the petitioners 1 to 4	Rs.	44,000
3. Funeral Expenses	Rs.	16,500
4. Loss of Estate	Rs.	16,500
Total	Rs.	41,09,000/-

The petitioners are entitled the said compensation amount and the point is answered accordingly.



26. MCOP.No.152/2022 (Regarding Quantum):

The petitioner Velmurugan in his claim petition as well as proof affidavit has deposed that he has sustained grievous injuries in his right ankle and he has also sustained injuries in his forehead. So he is unable to do his personal work and not able to attend the nature's calls without help of others. The petitioner Velmurugan (PW1) has marked Wound Certificate issued by Government Rajaji Hospital, Madurai. As per Wound Certificate marked as Ex.P21, the petitioner sustained multiple injuries which are not fracture injuries. The Doctor who has treated the petitioner opined that the petitioner has sustained simple injury. The petitioner was also referred to medical board and medical board assessed as 20 % permanent disability.

27. Considering the Wound Certificate issued by Government Rajaji Hospital, Madurai and disability certificate issued by medical board, this Tribunal is of the considered view that the disability fixed by medical board is not consonance with the guidelines issued by Government of India for assessing the disability. Ex.P21 Wound certificate shows that the petitioner would not have sustained permanent 20% disability as fixed by the Medical



board. Wound certificate Ex.P21 reveals that there was no fracture injuries. Therefore this Tribunal is of the considered view that the petitioner Velmurugan is not entitled to claim compensation under the head of disability.

28. The petitioner Velmurugan has not produced any document to prove the medical expenses incurred by him. So, the petitioner is not only to claim any compensation under the head of medical expenses.

29. Ex.P21 reveals that the petitioner Velmurugan had taken treatment as inpatient from 10.02.2022 to 26.02.2022. So considering the nature of injuries and period of treatment and also the nature of business done by petitioner, this Tribunal is of the considered view that he could not have done his business under his supervision at least for a period of three months. The petitioner has stated that he has earned Rs.30,000/- p.m. But he has not filed any document to prove his income. Hence, considering the age and nature of business he would have earned Rs.18,000/- p.m. So, the petitioner is entitled to claim Rs.18,000/- X 3 months = **Rs.54,000/-** under the head of loss of income.



30. As per guidelines laid down by the **Hon'ble Supreme Court** in the case of **Ajiay Kumar Vs Raj Kumar** the petitioner is also entitled to claim compensation under the conventional heads like Loss of convenience and pain and sufferings, transportation charges, attender charges and extra nourishment. For all the above heads the petitioner to be awarded **Rs.1,00,000/-** and accordingly a total sum of **Rs.1,54,000/-** is awarded for the above mentioned heads.

The said compensation amount is entitled by the petitioner and the point is answered accordingly.

M.C.O.P.No.150/2022

In the result,

1. This petition is partly allowed with proportionate costs.
2. The petitioners are entitled to a sum of **Rs.41,09,000/-** as compensation with interest at the rate of 7.5% p.a. from the date of filing the petition till the date of realization.
3. The 3rd respondent is liable to pay the compensation and it is directed to deposit such compensation in Virtual Account No. **ADJRMD1502022 (IFSC.No.SBIN0004266)** within 30 days from the date of this Order and



then it is directed to recover the award amount from 2nd respondent. (Pay and recovery)

4. The 1st petitioner is entitled to get **Rs.20,54,500/-**, the minor 2nd petitioner is entitled to get **Rs.12,32,700/-**, the petitioners 3 and 4 are entitled to get each **Rs.4,10,900/-**.

5. On such deposit, the petitioners 1, 3 and 4 are permitted to withdraw their entire award amount with accrued interest with cost.

6. The entire share amount of minor 2nd petitioner is ordered to be deposited in any one of the Nationalized Bank till the minor 2nd petitioner attains majority.

7. The petitioners are directed to pay the deficit Court fee within 10 days from the date of this order failing which the petitioners are not entitled to get the interest for such period.

8. The advocate fee is fixed at **Rs.60,590/-**

Petitioners side Cost Particulars

	Rs.	P.	
Court Fee	-	40462 50	
Vakalath	-	10 00	
Advocate Fee	-	60590 00	

Total	-	101062 50	Rounded to Rs.1,01,063/-



M.C.O.P.No.152/2022

In the result,

1. This petition is partly allowed with proportionate costs.
2. The petitioner is entitled to a sum of **Rs.1,54,000/-** as compensation with interest at the rate of 7.5% p.a. from the date of filing the petition till the date of realization.
3. The 3rd respondent is liable to pay the compensation and it is directed to deposit such compensation in Virtual Account No. **ADJRM1522022 (IFSC.No.SBIN0004266)** within 30 days from the date of this Order and then it is directed to recover the award amount from 2nd respondent. (Pay and recovery)
4. On such deposit, the petitioner is permitted to withdraw his entire award amount with accrued interest with cost.
5. The petitioner is directed to pay the deficit Court fee within 10 days from the date of this order failing which the petitioner is not entitled to get the interest for such period.
6. The advocate fee is fixed at **Rs.11,200/-**



Petitioner Side Cost Particulars

	Rs.	P.	
Court Fee	-	912 50	
Vakalath	-	10 00	
Advocate Fee	-	11200 00	

Total	-	12122 50	Rounded to Rs. 12,123/-

Dictated to the Steno-Typist, transcribed and typed by her in the Computer, corrected by me and pronounced by me in the open court, on this the 24th day of April 2026.

**Motor Accident Claims Tribunal Authority,
Additional District Judge,
Ramanathapuram.**

Witnesses examined on the side of Petitioners in both petitions:

PW1 - Tmt. Gayathri

PW2 – Thiru. Velmurugan

Documents marked on the side of Petitioners in both petitions:

Ex.P1	FIR	Photo copy
Ex.P2	Observation Mahazar	Photo copy
Ex.P3	Rough Sketch	Photo copy



Ex.P4	MVI Report (TN 39 CM 5837)	Photo copy
Ex.P5	MVI Report (TN 65 U3182)	Photo copy
Ex.P6	Postmortem Certificate	Photo copy
Ex.P7	Order of altered name in FIR	Photo copy
Ex.P8	Order of altered name in Postmortem Certificate	Photo copy
Ex.P9	R.C. Book of 2 nd respondent	Photo copy
Ex.P10	Insurance Policy	Photo copy
Ex.P11	Death Certificate	Photo copy
Ex.P12	Legal heir certificate	Photo copy
Ex.P13	Aadhaar Card of 1 st petitioner	Photo copy
Ex.P14	Aadhaar Card of 2 nd petitioner	Photo copy
Ex.P15	Aadhaar Card of 3 rd petitioner	Photo copy
Ex.P16	Aadhaar Card of 4 th petitioner	Photo copy
Ex.P17	Certificate for Medical Shop in the name of deceased	Photo copy
Ex.P18	Aadhaar Card of deceased Satheeswaran	Photo copy
Ex.P19	Pan card of deceased	Photo copy
Ex.P20	Aadhaar Card of PW2	Photo copy
Ex.P21	Wound Certificate	Original

Witness examined on the side of 3rd Respondent in both petitions:

RW1 - Thiru. Vidyadharan

RW2 – Tmt. Abirami



Documents marked on the side of 3rd Respondent in both petitions:

Ex.R1	Insurance Policy	True copy
Ex.R2	Notice	Office copy
Ex.R3	Acknowledgment Card with postal cover	Original
Ex.R4	Consignment / MO Tracking Report	Original
Ex.X1	Letter of Authority	Original
Ex.X2	MVI Report (TN 39 CM 5837)	Photo copy

Court Document:

Ex.C1 - Disability Certificate

**M.A.C.T.J.
A.D.J.
Ramanathapuram**