IN THE COURT OF SUBORDINATE JUDGE, OMALUR

Present : Tmt.T.MALATHI, B.Sc., B.L.,
Subordinate Judge,
Omalur.

Friday, the 10th day of July 2026
(Thiruvalluvarandu 2057 Sri Parabhava Varudam Aani 26th day)

MCOP.No.50/2020

[CNR.NO.TNSA19-000023-2020]

(a)	Name and address of the claimant / Petitioner	Pappathi, aged about 42 years, W/o. (Late). Palani, residing at D.No.7-60/105-11, Koneri Valavu, Kurukkapatti, Pavalathanur, Salem – 636502.
(b)	Name and address of the respondents	1. Bhuvaneshwaran Aran, S/o. Venkatesan, residing at No.13A, North High Court Colony, 2nd Street, Villivakam, Chennai. (Driver) 2. Ramaiah, S/o. Gangappa, residing at No.14, 1 Gangappa Building Kalkere Main road, 9th Cross, Near Manjunatha Temple, Ramamurthy Nagar, Bangalore. (Owner) 3. The Royal Sundaram General Insurance Company Limited, Chennai Branch Office No.186/5, Royal Towers, Meyyanur Main Road, Meyyanur Salem – 636004, Near New Bus Stand, Opposite Sony Center.

(c)	Name and address of the Insurance company	The Royal Sundaram General Insurance Company Limited, Chennai Branch Office No.186/5, Royal Towers, Meyyanur Main Road, Meyyanur Salem – 636004, Near New Bus Stand, Opposite Sony Center.	
(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	08.01.2020	
(f)	Date of award	**10.07.2026**	
(g)	Amount of award	**₹.22,71,796**	
(h)	Interest rate applicable	**7.5% per annum**	
(i)	Date (s) from which interest is payable	08.01.2020	
(j)	Costs, if any	Stamp on petition	Rs.20/-
		Stamp on Vakalath	Rs.10/-
		Documents	Rs.60/-
		Court fee	Rs.22,090/-
		Advocate fee	Rs.29,718/-
		Total	**Rs.51,898/-**
(k)	In cases where the compensation, interests and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	The 3rd Respondent is directed to deposit the award amount of **₹.22,71,796** with interest at the rate of 7.5% p.a from the date of presentation of the petition till the date of realization, with costs, within 15 days from the date of order.	
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The petitioner, being the mother of the deceased, is entitled to a sum of **₹.22,71,796** out of the said award amount.	

(m)	The mode and manner of disbursement.	As per the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 4299/2025 and the directions issued by the Hon'ble High Court of Madras in R.O.C. No. 55584/2025/S.C., the petitioner shall pay the balance court fee within 15 days from the date of this order, failing which the petitioner shall not be entitled to interest for the period of default. After payment of the balance court fee, the award amount shall be deposited within one month into the **petitioner's savings bank account, viz., Account No. 1194155000304048, Karur Vysya Bank Limited, Tiruchengode Branch, IFSC Code: KVBL0001194** and intimation of such deposit shall be sent to this Tribunal by forwarding the pay advice slip via e-mail at subordinatecourtomalur @gmail.com
(n)	Period of default to which the petitioner are not entitled for interest, if any.	**NIL**
(o)	Balance of Court fee	The petitioner shall pay the court fee of Rs.22,070/- within 15 days from the date of this order and shall forthwith intimate the respondents of such payment.

1. Pappathi, ... Petitioner

// Versus //

1. Bhuvaneshwaran Aran,

2. Ramaiah,

3. The Royal Sundaram General Insurance Company Limited,

... Respondents

The Case originally filed	In the Court of the Subordinate Judge, Omalur
Date of taken on file	02.09.2020

Counsel of Petitioner	:	Thiru.C.Paraneedharan
Counsel of 3rd Respondent	:	Thiru. J.T.Raj
1st and 2nd Respondents	:	Exparte

This petition came up for final hearing on 25.06.2026. Upon hearing both sides and perusing the materials available on record, this Court delivered the following:

AWARD

This claim petition has been filed under Section 166 of the Motor Vehicles Act, seeking compensation of ₹25,00,000/-.

02. The petitioner's case is as follows :

On 28.08.2019, the deceased Kamaraj, aged 19 years, was working as a worker in a compressor machine and earning ₹15,000/- per month. He sustained fatal injuries when a Toyota Innova Crysta LMV Car bearing Registration No. KA 53 ME 2599 was driven in a rash and negligent manner and collided with him while he was walking on the road. He succumbed to the injuries on the same day. The petitioner, being the mother of the deceased, claims that the driver, owner, and insurer of the offending vehicle (Respondents 1 to 3) are jointly and severally liable to pay compensation. Hence, a sum of ₹25,00,000/- is claimed towards loss of dependency.

03. The 2nd Respondent's case is as follows :

This claim petition is not maintainable either in law or on facts. The manner of the accident, the treatment undergone for the alleged injuries sustained by the deceased in the accident, and his occupation, income, and age are all denied. The petitioner is put to strict proof that the Toyota Innova Crysta LMV Car bearing Registration No. KA 53 ME 2599 was involved in the alleged accident. It is pertinent to note that the FIR in respect of the alleged accident was lodged by the brother of the deceased Kamaraj, namely, Prabhu. In the FIR, he had categorically stated that the accident occurred due to an "unidentified vehicle". This clearly indicates that the vehicle involved in the accident was not known to the complainant at the time of the accident. On perusal of the FIR, it is evident that the accident was initially treated as a hit-and-run case. The involvement of the Toyota Innova Crysta LMV Car bearing Registration No. KA 53 ME 2599 in the alleged accident itself is doubtful. The petitioner has not stated anything regarding the identification of the vehicle involved in the accident. Therefore, this respondent is not liable to pay any compensation in this claim petition. Hence, the claim petition is liable to be dismissed with costs.

04. In the course of the inquiry, on the side of the petitioner, PW1 was examined and documents Ex.P1 to Ex.P12 were marked. On the side of the 3rd respondent/Insurance Company, RW1 was examined and no documents were marked.

05. <u>Points of Findings :-</u>

The points for findings in this claim petition are formulated as follows:

1	Whether the accident occurred as alleged by the petitioner, resulting in fatal injuries to the deceased Kamaraj?
2	Whether the petitioner is entitled to compensation from the respondents as claimed?
3	What is the appropriate amount of compensation to be awarded to the petitioner?

06. The evidence on record, as well as the arguments advanced by the learned counsels appearing for both sides, have been considered.

<u>07. Findings No.1</u>

The claim petition has been filed under Section 166 of the Motor Vehicles Act. The claimant has to establish before this Court that the accident occurred due to the rash and negligent driving of the 1st respondent, resulting in injuries to the deceased Kamaraj, on the touchstone of preponderance of probabilities, as held by the Hon'ble Supreme Court in *Sajeena Ikhbal & Ors. v. Mini Babu George & Ors.*, 2024 LiveLaw (SC) 810. Therefore, strict proof is not required, and in the absence of rebuttal evidence, the finding of negligence recorded by the Tribunal cannot be termed as perverse or as a case of no evidence, as held by the Hon'ble Division Bench of the

High Court of Madras in *United India Insurance Co. Ltd. v. Krishnaveni & Ors.*, 2016 (1) TN MAC 563 (DB). The said decision affirmed that proceedings before the Claims Tribunal are summary in nature and require only a preponderance of probabilities regarding the manner of the accident.

08. The 3rd respondent, on the contrary, has refuted the petition mentioned allegations and asserting that the Toyota Innova Crysta LMV Car bearing Registration No. KA 53 ME 2599 was not involved in the accident. And the petitioner is put to strict proof that the Toyota Innova Crysta LMV Car bearing Registration No. KA 53 ME 2599 was involved in the alleged accident. It is pertinent to note at this stage that the FIR relating to the alleged accident was lodged by the brother of the deceased Kamaraj, namely, Prabhu. He had categorically stated that the accident occurred due to an "unidentified vehicle". This clearly indicates that the vehicle involved in the accident was not known to the complainant at the time of the accident.

09. The petitioner was examined herself as PW1 and narrated the manner of the accident in detail in her evidence. Ex.P1, the copy of the First Information Report, reveals that a criminal case was initially registered against an unidentified vehicle, which subsequently resulted in the registration of a criminal case against the 1st respondent for his rash and negligent driving. Even after investigation, the police found fault with the 1st respondent and filed the final report before the criminal court against him. A copy of the final report has been marked as Ex.P9. The filing of a final report in a criminal case against the 1st respondent, being the driver of the offending vehicle, is a prima facie indication of his culpability in driving the vehicle in a rash and negligent manner, as settled by the Hon'ble Supreme Court of India in *Mangla Ram v. The Oriental Insurance Co. Ltd. & Others*, reported in (2018) 5 SCC 656. And Subsequently it was strengthen by the evidence of RW1.

10. It is established by the evidence on record that the said offending vehicle belonging to the 2nd respondent was insured with the 3rd respondent at the time of the accident. In such circumstances, the driver and owner, namely, respondents 1 and 2, did not come forward to appear before this Court and contest the claim petition and remained ex parte. Therefore, the 3rd respondent, being the insurer, failed to examine the driver of the insured vehicle or any other eyewitness to rebut the evidence adduced by the petitioner. Under the above circumstances, upon analysing the evidence available on record, this Court comes to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the insured vehicle.

11. Findings No. 2:-

The question of the respondents' liability now needs to be determined. It has already been established that the accident occurred due to the rash and negligent driving of the 1st respondent, resulting in fatal injuries to the deceased Kamaraj. Therefore, it has to be considered whether the petitioner is entitled to the compensation claimed from the respondents. The evidence on record clearly establishes that the offending vehicle belonged to the 2nd respondent and was insured with the 3rd respondent at the time of the accident. There is no evidence to show that there was any breach of the terms and conditions of the insurance policy issued in respect of the offending vehicle belonging to the 2nd respondent at the time of the accident. Under these circumstances, the 3rd respondent, being the insurer of the offending vehicle, is legally liable to indemnify the owner/2nd respondent and pay compensation for the death of the deceased.

12. Findings No.3

The quantum of compensation to be awarded to the petitioner in this petition now needs to be determined. As per the evidence available on record, it is established that the petitioner is the mother of the deceased Kamaraj and she is the only legal heir of the deceased. Ex.P12, the copy of the Aadhaar Card of the deceased, reveals that he was born on 03.01.2001 and was aged 19 years on the date of the accident. The same was corroborated by Ex.P3, the copy of the postmortem certificate. Further, the petitioner has claimed that the deceased Kamaraj was earning ₹15,000/- per month by working as a worker in a compressor machine.

13. There is no evidence to prove the employment and income of the deceased as claimed. Based on the guidelines laid down by the Hon’ble Supreme Court of India in *Syed Sadiq & Others v. Divisional Manager, United India Insurance Co. Ltd.*, reported in 2014 (1) TNMAC 459, the Hon’ble Madras High Court, in *Andal & Others v. Avinav Kannan & Another*, reported in 2019 (1) TNMAC 54, formulated a method for fixing the notional income of a victim who failed to prove his occupation and income, by considering the prevailing economic conditions and the increase in agricultural product prices during the relevant period. In the said decision, the Hon’ble Supreme Court fixed the notional income at ₹6,500/-. By adopting the same as the base value, the Hon’ble Madras High Court applied the Cost Inflation Index issued by the Central Board of Direct Taxes (CBDT) and fixed the notional income at ₹11,085/- for the year 2014.

14. In this case, the accident occurred during the financial year 2019–2020. The Central Board of Direct Taxes (CBDT), vide Notification No. 370142(E) (No.26/2008) (L. No.370/42/3/2008-TPL), dated 13.06.2008, has specified the Cost Inflation Index. As per the said notification, the Cost Inflation Index for the financial year 2007–2008 is 129 and for the financial year 2013–2014 is 220. Therefore, following the method adopted by the Hon’ble Madras High Court in the above-referred decision, this Court proceeds to determine the notional income of the deceased in the manner stated below.

<table>
<tr><td>The Notional Income fixed by the Cost of Inflation Index for the year Hon'ble Supreme x Court of India for the vegetable vendor i.e., ₹.6,500 during the year 2007-2008</td><td>X</td><td>Cost of Inflation Index for the year 2019-2020</td></tr>
<tr><td colspan="3">Cost of Inflation index for the year 2007-2008</td></tr>
</table>

15. The Cost Inflation Index for the financial year 2019–2020 is 289 and for the financial year 2007–2008 is 129. By adopting the base notional income of ₹6,500/-

and applying the Cost Inflation Index, the notional income of the deceased is calculated as follows: ₹6,500 × 289 / 129 = ₹14,562/-

16. The deceased was not a permanent employee and was below the age of 40 years. Therefore, this Court has decided to add 40% towards future prospects to his income, as per the guidelines laid down by the Hon'ble Supreme Court of India in *National Insurance Company Limited v. Pranay Sethi & Others*, reported in 2017 (2) TN MAC 609 (SC). Accordingly, the monthly income of the deceased Kamaraj at the time of the accident is calculated as ₹20,387/- (₹14,562/- + ₹5,825/- being 40% towards future prospects). Thus, the annual income of the deceased is calculated as ₹2,44,644/- (₹20,387/- × 12).

17. The deceased was a bachelor and the claimants are his parents. As such, 50% of the income is to be deducted towards the personal and living expenses of the deceased, as per the guidelines laid down by the Hon'ble Supreme Court of India in *Sarla Verma & Others v. Delhi Transport Corporation & Another*, reported in 2009 (2) TN MAC 1 (SC). Accordingly, the annual income of the deceased is calculated as ₹1,22,322/- (₹2,44,644/- − ₹1,22,322/- (50%) = ₹1,22,322/-).

18. In the above circumstances, for calculating the loss of dependency, this Court has decided to apply the multiplier of 18, since the deceased falls within the age group of 15 to 20 years, as per the law laid down by the Hon'ble Supreme Court of India in the aforementioned judgment in *Sarla Verma & Others v. Delhi Transport Corporation & Another*. Accordingly, the loss of dependency on account of the death of the deceased is calculated as follows: ₹1,22,322/-× 18 (Multiplier) = ₹ 22,01,796/-.

19. The petitioner is also entitled to additional compensation under the conventional heads, namely, loss of estate, loss of consortium, and funeral expenses, which shall be ₹15,000/-, ₹40,000/-, and ₹15,000/-, respectively, as per the law laid down by the Hon'ble Supreme Court of India in *National Insurance Company Limited v. Pranay Sethi & Others*. The said judgment was pronounced by the Hon'ble Supreme Court on 31.10.2017, and as per the said judgment, the aforesaid amounts are to be enhanced at the rate of 10% once in every three years. In the present case, the accident occurred on 18.10.2017, and therefore, no enhancement under the conventional heads is applicable. Having considered the above aspects, this Court proceeds to calculate and apportion the compensation to be awarded to the petitioner as follows:

20. Apportionment of Compensation:-

Sl.No	Categories of Compensation	Apportioned Amount
1.	**loss of monetary benefits [loss of dependency] ₹1,22,322/-× 18 (Multiplier)**	**₹ 22,01,796/-.**
2.	**Loss of estate**	**₹.15,000**
3.	**Funeral expenses**	**₹.15,000**
4.	**Loss of consortium** **(a) Filial consortium** ₹ 40,000 to the Petitioner/Mother of the deceased	**₹.40,000**
	Total	**₹.22,71,796**

On the basis of the evidence available on record in this petition, this Court decides to award a total sum of **₹.22,71,796** as just and appropriate compensation for the death of the deceased Kamaraj, along with interest at the rate of 7.5% per annum, excluding the default period, from the date of filing of the petition till the date of realization of the amount. The petitioner, being the mother of the deceased, shall be entitled to a sum of **₹.22,71,796** out of the said award amount. This Court also concludes that the said compensation is just and reasonable.

21. In the result, the petition is partly allowed as follows:

(1) The petitioner is awarded **₹.22,71,796/-** together with interest at 7.5% per annum from the date of petition till the date of deposit excluding the period of dismissal for default if any, and including cost to be paid by the 3rd respondent.

(2) The 3rd respondent shall pay a sum of **₹.22,71,796/-** to the petitioner.

(3) As per the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 4299/2025 and the directions issued by the Hon'ble High Court of Madras in R.O.C. No. 55584/2025/S.C., the petitioner shall pay the balance court fee within 15 days from the date of this order, failing which the petitioner shall not be entitled to interest for the period of default. After payment of the balance court fee, the award amount shall be deposited within one month into the **petitioner's savings bank account, viz., Account No. 1194155000304048, Karur Vysya Bank Limited, Tiruchengode Branch, IFSC Code: KVBL0001194** and intimation of such deposit shall be sent to this Tribunal by forwarding the pay advice slip via e-mail at

subordinatecourtomalur@gmail.com

(4) Court fee paid along with this petition is **Rs.20/-.** Court fee on the award amount is **Rs.22,090/-**, and the Advocate fee is fixed at **Rs.29,718/-**. The petitioner is directed to pay the balance court fee within 10 days. The total cost of the claim is **Rs.51,898/-.**

(5) The petitioner shall intimate the payment of the balance court fee to the respondent by way of service of the acknowledgment of this Court immediately.

(6) Following the judgment of the **Hon'ble High Court of Madras in *M/s. Cholamandalam MS General Insurance Co. Ltd. v. Ayyanar & Others*,** reported in 2020 (4) CTC 272, no decree is required to be prepared. All parties are entitled to free copies of the award as per Section 168(2) of the Motor Vehicles Act and Rule 20(6) of the Rules.

Dictated to the Typist, typed by his directly into the computer, corrected, printed out and pronounced by me in Open Court on this the **10th day of July 2026.**

(Sd/- T.Malathi, dated 10.07.2026)
Motor Accident claim Tribunal Authority,
Subordinate Judge,
Omalur.

Petitioner's side Witness:

PW1	Pappathi (Petitioner)

Petitioner's side exhibits:

Sl. No.	Exhibits	Date	List of documents
1.	Ex.P1	-	Copy of First Information Report
2.	Ex.P2	-	Copy of Insurance Policy
3.	Ex.P3	-	Copy of Postmortem Certificate
4.	Ex.P4	-	Copy of Death Certificate
5.	Ex.P5	-	Copy of Petitioner's Aadhar Card
6.	Ex.P6	-	Copy of Registration Certificate (KA 53 ME 2599)
7.	Ex.P7	-	Copy of MVI Report
8.	Ex.P8	-	Copy of Rough sketch
9.	Ex.P9	-	Copy of Final Report
10.	Ex.P10	-	Copy of 1st Respondent Driving Licence
11.	Ex.P11	-	Copy of Legal heirs Certificate
12.	Ex.P12	-	Copy of deceased Kamaraj Aadhar Card

3rd Respondents side witnesses :

RW1	Venkatesan

Respondents side Exhibits : NIL

(Sd/- T.Malathi, dated 10.07.2026)
Motor Accident claim Tribunal Authority,
Subordinate Judge,
Omalur.