

MOTOR ACCIDENT CLAIMS TRIBUNAL, SIVAGANGAI
 (ADDITIONAL DISTRICT COURT, SIVAGANGAI)
 PRESENT: THIRU.Thiru.V.Ramalingam, B.Sc., B.L., L.L.M.
 ADDITIONAL DISTRICT JUDGE (FAC) , SIVAGANGAI
 FRIDAY, THIS THE 17TH JULY 2026
 MOTOR ACCIDENT CLAIMS ORIGINAL PETITION No.75/2022

1. Tmt.S.Ishwarya
 2. Minor.S.Hirthik Pandiyan
 3. Minor.S Rudran
 (Since, the petitioner No.2. No.3 are minor, this case is conducted by their mother and guardian - 1st petitioner –Tmt.S.Ishwarya)Petitioner's

/Vs/

1. Tamil Nadu State Transport Corporation, Karaikudi Region, represented by its Managing Director, Kumbakonam District.
 2. Tmt.C.Chitra
 3. Thiru.ChitraveluRespondent's

This petition coming on 17.07.2026 for final hearing before me, in the presence Thiru. P.N.Viswanathan, Advocate for the petitioners and of Thiru.R.Prabakhar Advocate for the respondent No.1 and of Thiru.A.Muthuramu, Advocate for the respondent's No.2, No.3 and upon hearing the arguments of both sides and having stood over till this day for consideration, this court delivered the following:-

ORDER

This petition has been filed by the petitioners under sections 140 & 166 of the Motor Vehicles' Act r/w 1989 M.V.Act 3(1) and Amendment Act (54/94) claiming a compensation of Rs.1,50,00,000/- for the death of Suresh in road accident.

Brief Facts of the Claim Petition :-

1)The case of the petitioners is that the deceased, Suresh, was employed as a Grade II Police Constable at the Velayuthapattinam Police Station, Sivagangai District, and was earning a monthly salary of more than Rs.30,716/-. The first petitioner is the wife of the deceased, while the second and third petitioners are his minor children. Respondents 2 and 3 are the parents of the deceased and have been impleaded as respondents since they did not join the petitioners in filing the claim petition.

2)According to the petitioners, on 25.11.2021, at about 3.45 p.m., after completing his official duties at Sivagangai, the deceased was proceeding towards his residence on his motorcycle bearing Registration No. TN 63 BA 8210, wearing a safety helmet. When he was riding cautiously on the left side of the Sivagangai–Ilayangudi Road near Periyannan Vayal, beyond Lenoor Nagar, a Tamil Nadu State Transport Corporation bus bearing Registration No. TN 63 N 1948, proceeding in the opposite direction, was driven at a high speed and in a rash and negligent manner. The bus dashed against the motorcycle ridden by the deceased, causing him to sustain grievous head and bodily injuries, to which he succumbed at the scene of occurrence.

3)It is the further case of the petitioners that the accident occurred solely due to the rash and negligent driving of the driver of the offending bus. The first respondent, being the owner and self-insurer of the bus, is liable to pay compensation to the petitioners. On the above averments, the petitioners have filed the present claim petition seeking compensation of Rs.1,50,00,000/- together with interest at the rate of 9% per annum from the date of the petition till the date of realization.

Summary of the Counter filed by the First Respondent: -

4)The first respondent has denied the allegations of negligence and contended that, on 25.11.2021, the Tamil Nadu State Transport Corporation bus bearing Registration No. TN 63 N 1948 left Paramakudi Bus Stand at about 3.05 p.m. and was being driven at a moderate speed, with due care and caution, while continuously sounding the horn. At about 3.45 p.m., when the bus was proceeding on the Sivagangai–Ilayangudi Road near Periyannan Vayal, beyond Lenoor Nagar, the deceased, who was riding the motorcycle

bearing Registration No. TN 63 BA 8210, allegedly rode at a high speed without wearing a helmet and, due to heavy rain, lost control of the vehicle and crossed the centre line into the path of the bus.

5) According to the first respondent, on noticing the motorcycle coming towards the bus, the driver immediately applied the brakes and brought the bus to a halt. However, owing to the excessive speed of the motorcycle, it collided with the left front footboard of the stationary bus. It is therefore contended that the accident occurred solely due to the rash and negligent riding of the deceased, who failed to wear a helmet and allegedly kept it on the petrol tank instead of wearing it. It is further contended that, had the deceased worn the helmet, the fatal injuries could have been avoided.

6) The first respondent has, therefore, contended that the bus driver was neither rash nor negligent and that the Transport Corporation is not liable to pay any compensation to the petitioners.

7) R2, R3 side no counter filed.

8) The points for consideration:-

1. Whether the accident took place due to the rash and negligent driving of the driver of the 1st Respondent's vehicle?
2. Whether the Petitioners are entitled for compensation? If so, what is the quantum?
3. Who is liable to pay compensation?

9) On the side of the Petitioners, 1st Petitioner has been examined as P.W.1, one Tamilkannan has been examined as P.W.2 and one Thivya has been examined as P.W.3 and Ex.P.1 to Ex.P.16 and Ex.X.1 to Ex.X.3 have been marked. On the side of Respondent, one Shanmugaraj, has been examined as R.W.1 and Ex.R.1 has been marked.

POINT NO 1:-

NEGLIGENCE:-

10) Heard the learned counsel for both the Petitioners and Respondent. Records perused. The Petitioners' contention is that on 25.11.2021, at about 3.45 p.m., after completing his official duties at Sivagangai, the deceased Suresh was proceeding towards

his residence on his motorcycle bearing Registration No. TN 63 BA 8210, wearing a safety helmet. When he was riding cautiously on the left side of the Sivagangai–Ilayangudi Road near Periyannan Vayal, beyond Lenoor Nagar, a Tamil Nadu State Transport Corporation bus bearing Registration No. TN 63 N 1948, proceeding in the opposite direction, was driven at a high speed and in a rash and negligent manner. The bus dashed against the motorcycle ridden by the deceased, causing him to sustain grievous head and bodily injuries, to which he succumbed at the scene of occurrence. The accident had taken place only due to the rash and negligent act of the driver of the 1st Respondent. So the Petitioners are entitled to get compensation against the 1st Respondents.

11) In order to prove the case of the Petitioners, 1st Petitioner has been examined as P.W.1, and one Tamilkannan has been examined as P.W.2 and through P.W.1 Ex.P.1 to Ex.P.16 have been marked. Even though P.W.1 is not an eyewitness, P.W.2 who is eyewitness for the accident has stated in his proof affidavit about the accident and the accident took place due to the negligent driving of the driver of the offending vehicle bearing Registration No. TN 63 N 1948. It is evident from Ex.P.1 FIR which has been registered against the driver of vehicle bearing Registration No. TN 63 N 1948 and the accident took place due to his negligence. From Ex.P.7 Final Report filed by the police investigation officer, it is evident that the investigation officer has come to the conclusion that the accident took place due to the negligent driving of the driver of the said vehicle at the time of accident. The above said documents clearly establish the fact that due to rash and negligent driving of the driver of vehicle of the 1st Respondent, the accident happened.

12) The 1st Respondent, in his counter, has contended that the accident occurred solely due to the negligence of the deceased and not on account of any rash or negligent driving by the driver of the 1st Respondent's bus. In order to substantiate the said defence, the 1st Respondent examined the driver of the bus bearing Registration No. TN 63 N 1948, namely, Shanmugaraj, as RW1. Though RW1 deposed that he was not responsible for the accident and that the accident occurred solely due to the negligence of the deceased, his testimony does not effectively discredit or rebut the contents of the First Information Report and the Charge Sheet, both of which have been registered against him. Therefore, his interested testimony, in the absence of any independent corroborative evidence, is insufficient to displace the documentary evidence produced by the claimants.

13)Further, to disprove the evidence of P.W.1, P.W.2 and Ex.P.1 and Ex.P7, no evidence produced on the side of the 1st Respondent. Therefore this tribunal holds that the driver of the offending vehicle bearing Registration No.TN 63 N 1948, due to his negligent driving, caused the death of the deceased Suresh. Accordingly, the point No.1 is answered in favour of the Petitioners.

POINT NO.2:-

QUANTUM AND APPORTIONMENT OF COMPENSATION:-

RELATIONSHIP:-

14) On perusal of the petition, the 1st Petitioner is wife, 2nd and 3rd Petitioners are children and 2nd and 3rd Respondents are parents of the deceased. To prove the relationship, the Petitioners have produced Ex.P.9 legal heir certificate. In Ex.P9, it is mentioned that the Petitioners are legal heirs of deceased Suresh. Hence, this Tribunal comes to conclusion that Petitioners are legal heirs of deceased Suresh as per Ex.P.9 legal heir certificate, by which they are entitled to claim compensation for the death of deceased Suresh

AGE AND MULTIPLIER :-

15)According to Petitioners, the age of the deceased was about 30 years at the time of accident. In order to prove the age of the deceased the Petitioners have filed Ex.X2 copy of Service book of deceased Suresh. As per Ex.X2, the date of birth of deceased Suresh is 25.05.1991. Hence, as per Ex.X2, the age of the deceased was 30 years and 6 months at the time of accident. In **P.O. Meera and Another v. Ananda P. Naik and Others, reported in 2022 TN MAC 273 (Kerala High Court)**, the Hon'ble Kerala High Court held that, for the purpose of selecting the appropriate multiplier while computing compensation in a motor accident claim, the completed age of the deceased or injured has to be taken into consideration and not the running age. Hence, based on Ex.X2 Service book, this Tribunal has fixed the age of the deceased Suresh was 30 at the time of accident. Hence for the purpose of deciding multipliers, the deceased comes under the age group of 26-30 years.

Accordingly, multiplier is 17 as mandated by the Hon'ble Apex Court in "**Sarala Verma and Others vs Delhi Transport Corporation and Another (2009 (2) TN MAC 1 SC)**".

INCOME OF THE DECEASED :-

16)According to Petitioners, the deceased Suresh was working as Grade II Police Constable at the Velayuthapattinam Police Station, Sivagangai District, and getting a monthly salary of Rs.30,716/- per month at the time of accident. To prove that, the Petitioners have examined one Thivya , Junior Assistant of the office of District Superintendent of Police Sivagangai District as P.W.3 and Petitioners have filed Ex.X2 pay certificate for the month of November 2021 and Ex.X3 copy of Service book of the deceased Suresh. As per Ex.X3 Service book of deceased, it seems that the deceased Suresh was appointed as Grade II Police Constable in the year of 2013 and as per Ex.X2, it seems that the deceased Suresh was getting a gross monthly salary of Rs.30,716/- for the month of November 2021. Hence from the evidence of P.W.3 and as per Ex.X2 pay certificate, it is clear that the deceased was getting a gross monthly salary of Rs.30,716/-- for the month of November 2021, i.e., at the time of accident. Hence, as per Ex.X2, this Tribunal fixes the income of the deceased as Rs.30,716/-per month.

FUTURE PROSPECTUS :-

17)As per the dictum laid down by the Hon'ble Apex Court in "**National Insurance Co.Ltd vs Pranay Sethi (2017) ACJ 2700**", since the deceased in this case is 30 years old, on the date of accident, Petitioners are entitled to, an addition of 50% of the established income of the deceased under the head ' Future Prospects'. Hence, 'Future Prospects can be fixed as 50% from his monthly income, If so, his monthly income comes to **(Rs.30716+Rs.15358=) Rs.46,074/-**.

18)Further, the number of the dependents of the deceased is five. So the deceased would have spent 1/4 of his total income for his personal expenses as decided in "**SaralaVerma and Others vs Delhi Transport Corporation and Another (2009 (2) TN MAC 1SC)**". Thus, monthly income which petitioners would have received as dependents

after having addition and deduction as indicated above, will come to **(Rs.46,074-Rs.11518 =Rs.34556) Rs.34556/-**. Thus, As per the above calculation the yearly income of the deceased is come to **(Rs.34556 x12=Rs.4,14,672) Rs.4,14,672/-**

19)When this amount is calculated using the multiplier 17 the total loss of dependency is **(Rs.4,14,672 x 17 = Rs.70,49,424 /-.**

LOSS OF CONSORTIUM , FUNERAL EXPENSES AND LOSS OF ESTATE :-

20)Hon'ble Apex Court judgments in " **Magma General Insurance Company Limited versus Nanu Ram alias Chuhru Ram and others, (2018) 18 SCC 130 "**, following the ratio in " **National Insurance Co.Ltd. vs Pranay Sethi (2017) ACJ 2700"** and held that the consortium is not limited to spousal consortium and it also includes parental consortium as well as filial consortium. Here in this case, the deceased Suresh left behind his wife, two children and his mother and father as his dependents. Thus, in view of the dictum laid down by the Hon'ble Apex Court in the above mentioned judgments, in respect of 'Consortium', the 1st Petitioner is entitled to Spousal consortium of Rs.44,000/- and 2nd and 3rd petitioners are entitled to parental consortium of each Rs.44,000/- and the 2nd and 3rd Respondents are entitled to filial consortium of each Rs.44,000/- and the petitioners are entitled to Funeral Expenses of Rs.16,500/-and towards loss of estate a sum of Rs.16,500/- has to be granted as decided in the above mentioned "**National Insurance Co.Ltd. vs Pranay Sethi (2017) ACJ 2700"**.

21)Thus, Petitioners are entitled to get total compensation, as per the calculation in the following Tabular Column :

S.No.	HEADS	CALCULATION
1	Loss of dependancy (Rs.4,14,672 x 17 = Rs.70,49,424 /-.	Rs.70,49,424 /-.
2	Loss of Consortium (Spousal consortium, parental consortium and filial consortium) (5x 44,000/-)	Rs.2,20,000/-
3	Loss of Estate	Rs.16,500/-
4	Funeral Expenses	Rs.16,500/-

	TOTAL COMPENSATION AWARDED	Rs.73,02,424/-
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22)Therefore, for the above stated reasons, this Tribunal is of the opinion that the Petitioners along with 2nd and 3rd Respondents are entitled to get a sum of Rs.73,02,424/- with proportionate interest and cost at 7.5% per year from the date of petition.

23) Considering the relationship and age of the Petitioners and also considering the facts and circumstances of the case, out of the total award amount of Rs.73,02,424/-, the 1st Petitioner is entitled to a sum of Rs.25,02,424/- with proportionate interest and 2nd Petitioner is entitled to a sum of Rs.18,00,000/- with proportionate interest 3rd Petitioner is entitled to a sum of Rs.18,00,000/- with proportionate interest, 2nd Respondent is entitled to a sum of Rs.6,00,000/- with proportionate interest 3rd Respondent is entitled to a sum of Rs.6,00,000/- with proportionate interest, The point No.2 is answered accordingly.

POINT 3:-

LIABILITY:

24)This Tribunal for the reason stated in point No.1 has come to a conclusion that due to the rash and negligent driving of the driver of 1st Respondent who drove the bus bearing Registration No. TN 63 N 1948 which belongs to the Respondent only the accident happened. Respondent's vehicle is self-insured. Hence, for the reason stated above this tribunal comes to the conclusion that the 1st Respondent is liable to pay the compensation to the petitioner, hence this Point is answered accordingly.

25) In the result,

i) The petition is partly allowed with proportionate costs in the following manner. The 1st respondent is directed to pay the award amount with proportionate costs and interest within 30 days from the date of this order. The petitioners are awarded a sum of Rs.73,02,424/- (Seventy three lakhs and two thousand and four hundred and twenty four) as compensation with interest at 7.5 percent per annum from the date of filing as mentioned in para 1 to till the date of payment excluding the default period if any.

ii) The 1st respondent is also directed to pay the cost as tabulated hereunder.

COST STATEMENT ON PETITIONER'S SIDE

COST STATEMENT ON PETITIONER'S SIDE	RUPEES
1. Vakallath	10
2. Batta Memo	113.50
3. Stamp on Documents	90
4. Advocate fee fixed	81,524.24
5. Court fee fixed	58,023.74
TOTAL	1,39,761.48

iii) As per the Judgment of the Hon'ble Supreme Court in **PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025**, the tribunals are directed to pass an award by ordering the respondent to transfer the award amount into the Bank account of the claimant(s) with intimation to the Tribunals. Accordingly, the 1st respondent is directed to transfer the award amount to the Claimant(s) Bank Account.

iv) The Petitioners should pay Court Fee of Rs.58,023.74/- (Fifty eight thousand and twenty three, seventy four paise) But, the Petitioners paid Rs. 2373/- (Two thousand and three hundred and seventy three) as court fee only, hence, the Petitioners are directed to pay the Balance court fee within 15 days from the date of this award.

v) The 1st Petitioner is entitled to a sum of Rs.25,02,424 /- (Twenty five lakhs and two thousand and four hundred and twenty four) with proportionate interest. The 1st Petitioners Account Number and IFSC Code are given as follows:-

Petitioner Name	Bank and Account No	IFSC CODE
Iswarya	State Bank of India 40620579334	SBIN0008471

vi) After making the court fee by the Claimant (s); the claimant(s) are directed to produce two copies of Court fee paid receipt to this tribunal.

vii) After verification and getting a seal from this court, one such copy of the court fee payment receipt to be handed over to the 1st Respondent Advocate. Further, after obtaining receipt of court fee paid from the claimant alone, the 1st respondent corporation shall transfer the award amount to the Claimant / 1st petitioner. If any award amount is transferred by the 1st respondent to the claimant without receipt of court fees paid, it is the responsibility upon the 1st respondent to remit the court fees to this tribunal later. Therefore, the parties are directed to adhere to the above conditions strictly without any deviation.

viii) The minor 2nd and 3rd Petitioners are entitled each to a sum of Rs.18,00,000/- (Eighteen lakhs) (Total amount $18,00,000 \times 2 = 36,00,000$) (Thirty six lakhs) with proportionate interest. Since 2nd and 3rd Petitioners are minor, the 1st respondent is directed to pay the minor's (2nd and 3rd Petitioners) award amounts with proportionate interest in the name of MACT Account State Bank of India, Sivagangai, Collectorate Branch, 'SB Collect facility VAN' (Virtual Account Number) ADJSVGTNSTCKKDI, (SB COLLECT IFSC CODE: SBIN0004266) after the 1st Respondent has deposited the amount, the Principal award amount is directed to deposit in any one of the Nationalised Bank till 3rd minor Petitioners attains major and as a natural guardian, the mother of the 2nd and 3rd Petitioners namely the 1st Petitioner is permitted to get accrued interest thereon once in 3 months from the Bank directly.

xi) The 2nd and 3rd Respondents are entitled each to a sum of Rs.6,00,000/- (Six lakhs) (Total amount $6,00,000 \times 2 = 12,00,000$) (Twelve lakhs) with proportionate interest. The 2nd and 3rd Respondents should pay Court Fee of Rs.11,372.50/- (Eleven thousand three hundred and seventy two, fifty paise) for their proportionate award amount.

x) The 1st respondent is directed to pay the (2nd and 3rd Respondents) award amounts with proportionate interest in the name of MACT Account State Bank of India, Sivagangai, Collectorate Branch, 'SB Collect facility VAN' (Virtual Account Number) ADJSVGTNSTCKKDI, (SB COLLECT IFSC CODE: SBIN0004266) After the 1st Respondent has deposited the amount, the amount is directed to deposit in any one of the

Nationalised Bank for 3 years and the 2nd and 3rd Respondents are permitted to get the award amount with accrued interest after paying their proportionate court fees.

XI.) The 1st respondent shall be directed to furnish intimation of compliance to this tribunal after transferring the award amount to the Claimant.

XII)The Petitioner's Advocate fee is fixed at Rs.81,524.24/-(Eighthy one thousand and five hundred and twenty four, twenty four paise)

xiii) Following the judgment of the Hon'ble High Court of Madras in **M/s.Cholamandalam MS General Insurance Co Ltd., Vs Ayyanar and others reported in 2020 (4) CTC 272**, 'No Decree is prepared'. All the parties are entitled to free digital copies of the award as per Section 168 (2) of the MV Act and Rule 20 (6) of the Motor Vehicle Accident Claim Tribunal Rules.

Dictated to the steno-typist, transcribed and typed by her, corrected and pronounced by me in open court, this the 17th day of July, 2026.

MOTOR ACCIDENT CLAIMS TRIBUNAL,
ADDITIONAL DISTRICT JUDGE (FAC) , SIVAGANGAI

PETITIONERS' SIDE WITNESSES:

- 1 P.W.1 Ishwarya
2. P.W.2 TamilKannan
3. P.W.3 Dhivya (Govt.Side Witnesses)

PETITIONERS' SIDE DOCUMENTS:

Exhibits No.	Date	Description of the Exhibits	Marked Through
Ex.P1	25.11.2021	Certified xerox copy of F.I.R.	P.W.1
Ex.P2	26.11.2021	Certified xerox copy of Post mortem certificate	P.W.1
Ex.P3	01.12.2021	Certified xerox copy of death certificate of Suresh	P.W.1

Ex.P4	21.01.2022	Certified xerox copy of Motor vehicle Inspection report for vehicle TN 63 BA 8210	P.W.1
Ex.P5	27.11.2021	Certified xerox copy of Motor vehicle Inspection report for vehicle TN 63 N 1948	P.W.1
Ex.P6	25.11.2021	Certified xerox copy of rough sketch.	P.W.1
Ex.P7	25.11.2021	Certified xerox copy of Final Report.	P.W.1
Ex.P8	Nov 2021	Certified xerox copy of Salary Certificate of deceased Suresh	P.W.1
Ex.P9	14.12.2021	Certified xerox copy of Legal Heir Certificate of deceased Suresh	P.W.1
Ex.P10	12.11.2015	Certified xerox copy of Aadhar Card of PW1	P.W.1
Ex.P11	30.01.2021	Certified xerox copy of Aadhar Card of Petitioner No.2	P.W.1
Ex.P12	11.05.2023	Certified xerox copy of Aadhar Card of Petitioner No.3	P.W.1
Ex.P13	03.12.2021	Certified xerox copy of Bank Pass Book of PW1	P.W.1
Ex.P14	13.02.2024	Certified xerox copy of Bank Pass Book of Petitioner No.2	P.W.1
Ex.P15	13.02.2024	Certified xerox copy of Bank Pass Book of Petitioner No.3	P.W.1
Ex.P16	18.06.2023	Certified xerox copy of Aadhar Card of PW2	P.W.2
Ex.X1	24.03.2026	Authorization Letter – Original Copy	P.W.3
Ex.X2	Nov-2021	Xerox Copy of Pay Certificate of the deceased Suresh.	P.W.3
Ex.X3		Certified xerox copy of Service Register of the deceased Suresh.	P.W.3

RESPONDENTS' SIDE WITNESS

1. RW1 Shanmuga Raj

RESPONDENTS' SIDE DOCUMENT'S

Exhibits No.	Date	Description of the Exhibits	Marked Through
EX.R1	30.09.2024	Certified xerox copy of Aadhar Card of RW1	RW1

MOTOR ACCIDENT CLAIMS TRIBUNAL,
ADDITIONAL DISTRICT JUDGE (FAC) , SIVAGANGAI

