



**IN THE COURT OF OF MOTOR ACCIDENTS CLAM TRIBUNAL/
ADDITIONAL DISTRICT JUDGE, THENI**

**PRESENT : Tmt. G. SREE DEVI, B.A., L.L.M
Motor Accident Claims Tribunal/
Additional District Judge, Theni.**

Tuesday, the 04th Day of August 2026

MCOP No.73 of 2019
(CNR No.TNTH010013772019)

- (a) Name and address of the Petitioner (s) :
- 1.Rajaram S/o Gurusamy, Hindu, aged about 43 years and residing at No.13 18 A 1(2), Subbu colony, 2nd Street, Jakkampatti, Aundipatti, Theni District.
 - 2.Ramesh S/o Rajaram, Hindu, aged about 21 years and residing at No.13 18 A 1(2), Subbu colony, 2nd Street, Jakkampatti, Aundipatti, Theni District.
 - 3.Gowri D/o Gurusamy, Hindu, aged about 19 years and residing at No.13 18 A 1(2), Subbu colony, 2nd Street, Jakkampatti, Aundipatti, Theni District.
- (b) Name and address of the respondents :
1. Jeyagopinath, S/o Seenivasan, Hindu, aged about 40 years, residing at Rathakrishnan rice mill street, Chinnamanur, Uthamapalayam Taluk, Theni District.
 2. Renuka, W/o Murugan, Hindu, aged about 40 years, residing at No.13, Colony north street, Chinnamanur, Uthamapalayam Taluk, Theni District.
 3. Jeyanthi, S/o Kamaraj, Hindu, aged about 42 years, residing at No.2 W 1/6A, Colony north street, building society, Chinnamanur, Uthamapalayam Taluk, Theni District.
 4. Royal Sundram General Insurance Company Ltd., Sona Towers, 2nd Floor, Shop No.40, 91/32 Palani road, Dindigul.
 5. Muthumari, D/o Rajaram, Hindu, aged about 22 years, residing at No.13 18A1 (2), Subbu colony, 2nd Street, Jakkampatti, Aundipatti, Theni District.



- (c) Name and address of the Insurance company : Royal Sundram General Insurance Company Ltd., Sona Towers, 2nd Floor, Shop No.40, 91/32, Palani road, Dindigul.
- (d) Name and address of the Transport Corporation or such other respondents who are held liable to pay : --
- (e) Date of filing of the claim petition : 13.03.2019
- (f) Date of award : 04.08.2026
- (g) Amount of award : Rs.28,93,150/-
- (h) Interest rate applicable : 7.5% per annum
- (i) Date (s) from which interest is payable : 13.03.2019
- (j) Costs, if any : Stamp on petition - Rs. 20.00
Stamp on Vakalath - Rs. 10.00
Court fee - Rs. 28,303.50
Advocate fee - Rs. 35,391.00
Total - Rs. 64,264.50
- (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 4th Respondent is directed to deposit the award amount of Rs.28,93,150/- 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.
- l) In cases where there are several Petitioners, the shares and amounts payable to each of them shall be specified. : The Petitioners shall be entitled to take the said award amount with proportionate interest accrued thereon and cost.
1st Petitioner is entitled to get a sum of Rs.14,46,575/- and 2, 3rd Petitioners and 5th Respondent are entitled to get a sum of Rs.4,82,191/- each.
- m) The mode and manner of deposit of compensation : The 4th Respondent is directed to deposit the said compensation amount with interest and costs in the account of Additional District Judge MACT, Regular Savings Bank Account No.37788967295 of State Bank of



India, Palanichettipatty Branch, Theni
District CIF No.90059233878, IFSC
No.SBIN0013834, MICR No.625002127
and Branch Code No.13834 and to file a
Proof of Deposit of Award amount along
with Case Number and date of Transfer
with UTR memo before this Court within 3
days from such Transfer and the same shall
be informed to this court in writing.

- (n) The mode and manner of disbursement : Each Petitioners are entitled to withdraw their share as above in the award amount with interest accrued thereon immediately on its deposit.
- (o) Period of default to which the petitioner :
are not entitled for interest, if any.
- (p) Balance of Court fee : The Petitioners are directed to pay
Rs.28,283.50/- within 30 days from the date
of this order.

This petition was came up on 10.07.2026 for final hearing before me in the presence of Thiru.M.Jeyakumar, Advocate for Petitioners and Thiru.S.Venkateshwaran, Advocate for 4th Respondent and 1, 3 Respondents remained exparte and 2, 5 Respondents dismissed for default and upon hearing both sides and on perusal of the case records and written arguments which stood over before me for consideration till this day this Tribunal delivers the following :-

ORDER

This petition is filed under section 166 in M.V.Act 1988 for claiming compensation of Rs.30,00,000/- along with 18% interest from the date of petition to till the date of realization of the amount with costs.

2) The Claim petition in brief states as follows:

On 14.07.2018 at about 05.15 A.M., the deceased Poonkodi was going from Aundipatti to Theni main road in Jakkampatti near Solaimalai Palasarakku shop as west to east direction and try to cross the road at the same time one Mahindra Bolero



car bearing no.TN60T 4456 driven by the 1st Respondent namely Jeyagopinath came from west to east direction with great speed and negligent manner and without obeying the traffic rules and dashed against the Poonkodi. As a result the Poonkodi got grievous injury all over the body and fell down in the middle of the road and died on the spot. At the time of accident, the deceased was only 38 years old. She was hale and healthy and free from any ailment. The deceased had a well nourished body. The 1st petitioner is the husband, 2nd Petitioner is the son, 3rd Petitioner and 5th Respondent are the daughters of the deceased and all the petitioners are depending upon the income of the deceased. At the time of accident, the deceased was a coolie worker in a power loom and she was earning in Rs.20,000/- per month. In this aspect as per new amended Act, the petitioners estimate the monetary loss at Rs.30,00,000/-. A case has been registered in Crime No.475/18 u/s. 279, 304(A) IPC by the Andipatti police station. Hence, the petitioners filed this claim petition before this tribunal. The petitioners have not filed any application for granting of compensation before any other tribunal in respect of the accident. The petitioners were very affectionate towards the deceased. So, the deceased was very much affectionate with the petitioners. Whereas, the petitioners have restricted the claim to Rs.30,00,000/-. The accident took place only due to rash and negligent driving of the 1st Respondent. At the time of accident the car bearing no.TN60T 4456 was insured with the 4th respondent Insurance company, since they are jointly and severally liable to pay the compensation by composite negligence. Therefore, the Petitioners have come forward with this petition seeking compensation of Rs.30,00,000/- and prays to allow the same.

3) Contents of the counter filed by the 4th Respondent :

(3.1) The 4th Respondent has filed counter and raised the various objections and the Petitioners are strictly to be proved that the 3rd Respondent's vehicle was involved in the accident and it was insured with this Respondent under a valid policy of



insurance and the said policy was in force at the time of accident. It should also be proved that the 1st Respondent was a duly licensed person who has duly been authorised to drive particular type of vehicle at the time of accident. The Petitioners should prove that the Petitioners and the 5th Respondent are the legal heirs of the deceased and they have joined in this petition by documentary evidence. The 2nd Respondent had sold her vehicle to the 3rd Respondent and the 3rd Respondent is the owner of the vehicle at the time of accident. But, the above is not intimated to this Respondent which is against the terms and conditions of the insurance policy.

(3.2) The deceased had suddenly crossed the road without notice movement of the vehicle bearing no.TN60T 4456 and fell into the above said vehicle. The 1st Respondent applied sudden break to avoid the accident. Even though the accident had happened due to the negligence of the deceased and the accident did not happened due to the fault of the 1st Respondent. The Petitioners need to prove the deceased age, income and if any loss of income occurred and other claims made in the petition. As per the post mortem certificate and death certificate of the deceased, the deceased was aged about 46 years at the time of accident. But, the Petitioners had wrongly stated the deceased was aged about 38 years in their petition to get huge compensation. The Petitioners should prove that the deceased was a coolie worker in power loom and she earned Rs.20,000/- per month. The Petitioners are not depending upon the income of the deceased at the time of accident. The Petitioners should strictly prove that the deceased and the Petitioners had resided under the same roof at the time of accident. There is no monetary loss to the Petitioners due to the death of the deceased person. The amount claimed Rs.30,00,000/- as compensation and rate of interest are high excessive and exorbitant. Hence, this petition is liable to be dismissed with costs. It is, therefore, prayed that this Tribunal may be pleased to dismiss the claim petition against the 4th Respondent with costs and thus render justice.

**4) Points for consideration :**

- i) Whether the accident occurred due to rash and negligent driving of the 1st Respondent?
- ii) Whether the Petitioners are entitled to the compensation? If so who is liable to pay compensation ?
- iii) What would be the quantum of compensation ?

5) On the side of the Petitioners, the 1st Petitioner Rajaram was examined as PW1 and Ex.P1 to Ex.P11 were marked through him. On the side of the respondents, no oral or documentary evidence produced.

6) Point No.1 :

(6.1) Heard both side and records have been perused. The claim petition is filed under section 166 of the Motor Vehicles Act. Therefore, the Petitioners must first establish whether the accident was caused by the 1st Respondent. It is settled by the Hon'ble Supreme Court of India that in motor accident cases, the court has to apply the principles of preponderance of probability and cannot apply the test of proof beyond reasonable doubt. Further, the Hon'ble Division Bench of High Court of Madras in the case of United India Insurance Co. Ltd Vs. Krishnaveni and others reported in 2016(1) TNMAC 563 (DB) held that it is well settled law that proceedings before the Tribunal are summary in nature, and it is suffice to consider whether there is any preponderance of probability, as to the manner of accident, as detailed in the Claim petition. Strict proof of evidence is not required. In the absence of any rebuttal evidence, the finding of the Tribunal regarding negligence cannot be termed as perverse or it is not a case of no evidence. The evidence available in the present case is evaluated based on the principles of preponderance of probability.

(6.2) According to the Petitioners, the accident occurred due to the rash and negligent riding of the 1st respondent, he drove the car bearing no.TN60T 4456 and



that the 1st Respondent driver of the car and the 4th Respondent insurance company are liable to pay the claim to the Petitioners. Whereas, the counsel for the 4th Respondent does not dispute the vehicles involved in the accident. It was contented that the accident was caused due to the rash and negligent act of the 1st Respondent.

(6.3) No other contra evidence is produced on respondent side against PW1's evidence. It is significant to note that as per Ex.P1 FIR, Ex.P3 Final report against the 1st Respondent is prosecuted for the offences u/s. 279, 304(A) IPC but, so far the same is not objected by the 1st Respondent. Thus, from the evidence of PW1 and Ex.P1 FIR, Ex.P3 Final report it is clear that the accident happened due to rash and negligent driving of the 1st Respondent who driven the car bearing no.TN60T 4456.

(6.4) It has to be seen that the police after completing investigation has laid Ex.P1 FIR and Ex.P3 Final report against the 1st respondent only. Therefore, as observed above *“It is well settled that the proceedings before the claims tribunal are summary in nature and it is suffice to consider, whether there is any preponderance of probability, as to the manner of accident, as detailed in the claim petition. Strict proof of evidence is not required to decide the same.”* and hence evidence of PW1 and Ex.P1 FIR, Ex.P3 Final report proves that accident occurred due to the rash and negligent riding of the 1st Respondent. Accordingly, the point no.1 is answered.

7) Point No.2 :

(7.1) In this point let to be decided who is liable to pay compensation to the Petitioners. According to the Petitioners, the accident occurred due to the rash and negligent driving of the 1st Respondent. It is not dispute that the vehicle involved in the accident belonging to 3rd Respondent and as per Ex.P2 M.V.Report the vehicle TN60T 4456 vehicle's insurance policy with the 4th Respondent insurance company was valid till 06.06.2019 and the date of accident on 14.07.2018 and hence the



Petitioners are being a third party as per policy conditions, they are entitled to get claim from 4th Respondent.

(7.2) Therefore, as observed above, the 4th Respondent insurance company is directed to pay the compensation amount to the third party Petitioner. Accordingly, the point no.2 is answered.

8) Point No. 3 :

(8.1) It is not in dispute that the 1st petitioner is the husband, 2nd petitioner is the son, 3rd Petitioner and 5th Respondent are the daughters of the deceased. Ex.P7, legal heir certificate of the deceased, would shows that the petitioners and 5th Respondent are the legal heirs of the deceased.

(8.2) In the claim petition as well as in the proof affidavit, it is specifically stated that at the time of accident, the deceased was 38 years old. As per Ex.P11 deceased Poonkodi's Adhar card, at the time of accident her age was 38 years and hence this court holds that the deceased was 38 years old at the time of accident.

(8.3) The PW1 in his proof affidavit specifically stated that at the time of accident, the deceased Poonkodi was a coolie worker in a Power loom and she was earning in Rs.20,000/- per month. She was hale and healthy. The Petitioners and 5th Respondent are the legal heirs as well as the dependents of the deceased and as such they are entitled to the compensation as claimed in the petition. Thus, there is no doubt that the deceased was hale and healthy to earn herself and for her family by doing any avocation. Therefore, this court takes guidance of the judgments of the Hon'ble Supreme court and the Hon'ble High Court of Madras to fix the notional income of the deceased.

(8.4) The Hon'ble Supreme court fixed the notional income for the person who has no proof for her income like Coolie etc., as Rs.6,500/- in the year 2008 in the case



of Syed Sadiq vs. United India Insurance Company Limited 2014(1) TNMAC 459. Thereafter our Hon'ble High Court, Madras in the case of 2019 (1) TNMAC 54 (Mad) (Andal and others Vs. Avinav Kannan and another) held that the notional income at the rate of Rs.6,500/- fixed in the year 2008 by the Hon'ble Supreme Court shall be increased according to the present scenario and suggested to follow the Cost of Inflation Index issued by the Central Board of Direct Tax to fix the notional income of the deceased person. As such this court is mandated to follow the such inflation index method. In this case, the deceased was a coolie worker in a Power loom and she was earning in Rs.20,000/- per month. The accident happened in the year 2018. Therefore, the cost of inflation index for the year 2018-2019 is 280. Hence, as per the inflation index method, the income of the deceased is calculated as follows :

Notional income fixed during the year 2007 – 2008 by Hon'ble Supreme Court		Cost of inflation index for the year 2018 - 2019	
Rs.6,500	X	280	
-----			= Rs. 14,100/-
	129		

(8.5) The inflation index method was held to be rational and directed by our Hon'ble High Court to be followed. Therefore, the monthly income of the deceased is fixed at Rs.14,100/-.

(8.6) Taking the guidelines of the Hon'ble Supreme Court in the case of Sarala Varma and others .Vs. Delhi Transport Corporation and another 2009 ACJ 1298, the following addition, deletion and multiplier would be applied.

Since the deceased was 38 years 40% future prospect added	=	Rs.19,740/-
the claimants depending upon the deceased, hence the 1/4 income shall be deducted	=	Rs.14,805/-



For yearly income Rs.14,805 x 12 = Rs.1,77,660/-

Since the age of the deceased was 38 years the multiplier to be applied is taken as 15. Hence the total loss of dependency Rs.1,77,660 x 15 = Rs.26,64,900/-

(8.7) Addition to the conventional heads, the compensation would be fixed as follows :

1. Loss of dependency	Rs. 26,64,900/-
2. Loss of Consortium (for 4 Petitioners)	Rs. 1,93,600/-
3. Loss of funeral expenses	Rs. 18,150/-
4. Loss of estate	Rs. 16,500/-
TOTAL	Rs. 28,93,150/-

(8.8) On the basis of the above discussion and calculation, it is decided to award a total sum of Rs.28,93,150/- as just and appropriate compensation for the death of deceased. Thus, the point No.3 is answered accordingly.

9) In the result, this petition is allowed with costs, on the following terms :-

(i) The Petitioners are awarded compensation of Rs.28,93,150/- with interest at the rate of 7.5% from the date of filing of the petition to till the date of realization of the amount with costs. (Interest excludes the period of default if any and its restoration).

(ii) The 4th Respondent is directed to deposit the said compensation amount with interest and costs in the account of Additional District Judge MACT, Regular Savings Bank Account No.37788967295 of State Bank of India, Palanichettipatty Branch, Theni District CIF No.90059233878, IFSC No.SBIN0013834, MICR No.625002127 and Branch Code No.13834 and to file a Proof of Deposit of Award amount along with Case Number and date of Transfer before this Court within 3 days from such Transfer with UTR memo and the same shall be informed to this court in writing.



(iii) Out of the above compensation amount, 1st Petitioner is entitled to get a sum of Rs.14,46,575/- and 2, 3rd Petitioners and 5th Respondent are entitled to get a sum of Rs.4,82,191/- each.

(iv) After deposit of award amount the 1 to 3 Petitioners and 5th Respondent are entitled to withdraw their respective award amount after the appeal period.

(v) The Petitioners and the 5th Respondent are directed to pay Rs.28,283.50/- within 30 days from the date of this order. The Petitioners and the 5th Respondent shall not be entitled to withdraw the sum deposited as per the award until the balance of court fee is deposited.

(vi) Following the judgment of the Hon'ble High Court of Madras in M/s.Cholamandalam MS General Insurance Co Ltd., Vs. Ayyanar & others reported in 2020 (4) CTC 272, no decree is prepared.

Dictated directly to the Steno-Typist, typed by her, corrected and pronounced by me in the open court on the 04th day of August 2026.

Motor Accident Claims Tribunal/
Additional District Judge, Theni.

Petitioners side witnesses :

PW1 ... Rajaram (1st Petitioner)

Petitioners side Exhibits :

Ex.P1 ... First Information Report – Certified copy

Ex.P2 ... TN60T 4456 Vehicle's M.V.Report – Certified copy

Ex.P3 ... Final report – Certified copy

Ex.P4 ... Sketch – Certified copy

Ex.P5 ... Post mortem certificate - Certified copy

Ex.P6 ... Deceased Poonkodi death certificate – Xerox

Ex.P7 ... Deceased Poonkodi Legalheir certificate – Xerox

Ex.P8 ... 1st Petitioner's Adhar card – Xerox (Compared with original)



- Ex.P9 ... 2nd Petitioner's Adhar card – Xerox (Compared with original)
- Ex.P10 ... 3rd Petitioner's Adhar card – Xerox (Compared with original)
- Ex.P11 ... Deceased Poonkodi's Adhar card – Xerox (Compared with original)

Respondents side witness and documents :- Nil -

Motor Accident Claims Tribunal/
Additional District Judge, Theni.