

**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.**

Thursday, the 09th Day of April 2026

MCOP No.147 of 2021
(CNR No.TNTH010027342021)

- (a) Name and address of the Petitioner (s) :
1. Pandi Murugeswari, aged 23/21,
W/o Late Balasubramani, D/o Pandi, residing at
Door No. 177, South Street, Kovilpaarai,
Kadamalaikundu, Andipatti Taluk, Theni
District.
 2. Harsha, aged 4/21, D/o Late.Balasubramani,
residing at D.No.177, South Street, Kovilpaarai,
Kadamalaikundu, Andipatti Taluk, Theni
District.
 3. Harshan, aged 1/21, S/o Late.Balasubramani,
residing at D.No. 177, South Street,
Kovilpaarai, Kadamalaikundu, Andipatti Taluk,
Theni District.
(Petitioners 2 and 3 are minors represented by
their mother and guardian, the 1st petitioner.)
 4. Pachaiyammal, aged 46/21, W/oMachakkalai,
residing at D.No. 199, Middle Street,
Kovilpaarai, Thangammalpuram,
Mayiladumparai, Kadamalaikundu, Andipatti
Taluk, Theni District.
- (b) Name and address of the respondents :
1. The Managing Director, Tamil Nadu State
Transport Corporation, Bypass Road, Division
IV, Dindigul.
 2. Krishnan, S/o Nagapandiyan, Upparpatti,
Theni Taluk, Theni District.
 3. Chinnasamy, S/o Chinnathevar, D.No.
12/1/21A, Thevar Colony, Vadugapatti,
Periyakulam Taluk, Theni District.
 - 4.The Branch Manager, New India Insurance
Company, Madurai Divisional Office III, 161A
East Veli Street, Madurai.
 5. Ashok Kumar, S/o Jayamani, Pullakkapatti,
Devadanapatti, Periyakulam Taluk, Theni
District.

- (c) Name and address of the Insurance company : New India Insurance Company, Madurai Divisional Office III, 161A, East Veli Street, Madurai.
- (d) Name and address of the Transport Corporation or such other respondents who are held liable to pay : The Managing Director, Tamil Nadu State Transport Corporation, Bypass Road, Division IV, Dindigul.
- (e) Date of filing of the claim petition : 26.07.2021
- (f) Date of award : 09.04.2026
- (g) Amount of award : Rs.32,66,408/-
- (h) Interest rate applicable : 7.5% per annum
- (i) Date (s) from which interest is payable : 26.07.2021
- (j) Costs, if any : Stamp on petition - Rs. 20.00
Stamp on Vakalath - Rs. 10.00
Court fee - Rs. 32,036.50
Advocate fee - Rs. 39,664.00
Total - Rs. 71,730.50
- (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 1st Respondent is directed to deposit the award amount of Rs.32,66,408/- 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 30 days from the date of order
- 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.
- m) The mode and manner of deposit of compensation : The 1st Respondent is directed to deposit the award amount of Rs.32,66,408/-with interest within one month from the date of order into 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 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. The amount payable to minor 2nd and 3rd Petitioners to be deposited in any Nationalized bank till their attaining majority and their guardian the 1st Petitioner is entitled to receive interest payable on said deposit once in a three months.
- (o) Period of default to which the petitioner : Nil
are not entitled for interest, if any.
- (p) Balance of Court fee : The Petitioners are directed to pay the court fee of Rs.31,660.50 within 30 days from the date of this order. The Petitioners shall not be entitled to withdraw the sum deposited as per the award until the balance of court fee is deposited.

This petition was came up on 23.03.2026 for final hearing before me in the presence of Thiru.V.Velmurugan, Advocate for Petitioners and Thiru.N.Sudhakaran, Advocate for 1st Respondent and Thiru.D.Balakrishnan, Advocate for 2nd Respondent and Thiru.Su.Sundararajan, Advocate for 4th Respondent and 3, 5 Respondents remained exparte and upon hearing both sides and on perusal of the case records which stood over before me for consideration till this day this Tribunal delivers the following :-

ORDER

This petition is filed under section 140, 141, 166 in M.V.Act 1988 for claiming compensation of Rs.30,00,000/- along with 12% interest from the date of petition to till the date of realization of the amount with costs.

1) The Claim petition in brief states as follows:

On 13.09.2020, at around 6.00 PM, the deceased departed from Thangammalpuram carrying bricks in a Taurus lorry bearing Registration No. TN52 A 7758, heading towards Thekkottai. At approximately 8.45 PM, near Chettiyapatti, while proceeding on the NH road from west to east and driving along the left side of the road near Ramar Kalavasal, before Chettiyapatti village, a Government Transport Bus bearing Registration No. TN57 N 2361 came from the opposite direction (east to west). The bus driver Krishnan, drove the vehicle in a rash and negligent manner and veered to the wrong side of the road, colliding head-on with the lorry driven by Balasubramani. As a result of the accident, the deceased sustained severe crush injuries below the right knee and injuries to the right cheek, shoulder, head, and chest. He was immediately taken by 108 ambulance to the Government Medical College Hospital at K. Vilakku and admitted for treatment. However, despite treatment, he succumbed to his injuries. At the time of accident, the deceased was only 35 years old. He was hale and healthy and free from any ailment. The deceased had a well nourished body. The 1st petitioner is the wife, 2nd Petitioner is the daughter, 3rd Petitioner is the daughter and 4th Petitioner is the mother of the deceased and all the petitioners are depending upon the income of the deceased. At the time of accident, the deceased was working as a driver and he was earning Rs.20,000/- per month. If the accident would not happened, the deceased would have lived up to 90 years old. In this aspect as per new amended Act, the petitioners estimates the monetary loss at Rs.75,00,000/-. A case has been registered in Crime No.1347/20 u/s. 279, 337 IPC by the Usilampatti Taluk police station against the 2nd Respondent. Hence, the petitioners filed this claim petition before this tribunal. The petitioners have not filed any application for granting of compensation before 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 2nd Respondent and the bus belonged to the 1st Respondent. Since, the 1st Respondent is a state owned corporation during the time of accident and the lorry bearing no.TN60AF 5720 driven by 5th Respondent and it was belonged to the 3rd Respondent and it was insured by the 4th Respondent and hence the Petitioners has come forward with this petition seeking compensation of Rs.75,00,000/- against the 1 to 5 Respondents and prays to allow the same.

2) Contents of the counter and additional counter filed by the 1st Respondent :

(2.2) The petitioners are not entitled to any relief in this claim. The petition filed by the petitioners is contrary to facts and not maintainable in law. Except for those facts expressly admitted herein, all other allegations are denied by the 1st respondent as false and incorrect. The 1st respondent submits that the petitioners have deliberately suppressed the true facts relating to the accident and have fabricated false reasons with the intention of claiming compensation. The petitioners have presented incorrect information before this court, which is denied by the 1st respondent. The accident in question did not occur due to rash or negligent driving by the driver of the 1st respondent. On the contrary, the accident occurred due to the negligence of the Taurus lorry driver. It is stated that the petitioner's husband sustained injuries in the accident and later died in the hospital. The petitioners, namely his wife and daughter, must prove their claim for compensation with proper evidence.

(2.3) The 1st respondent denies the age and occupation of the deceased as stated by the petitioners. The petitioners must prove the same with proper documentary evidence and witnesses. The statements made in paragraphs 21(A) and 23 of the petition are wholly false and are denied. The 1st respondent submits that on the date of the accident, i.e., 13.09.2020, the bus bearing Registration No. TN57N 2361 departed from Madurai Arappalayam Bus Stand at about 7.35 PM towards Kumuli. The driver was driving slowly, sounding the horn, and strictly following traffic rules. While proceeding near Chettiyapatti after Usilampatti at about 8.40 PM, near Krishna Hotel,

when the bus was moving from east to west, a Taurus lorry bearing Registration No. TN52/A7758, coming from the opposite direction carrying bricks, was driven rashly and at high speed. The lorry driver lost control on a slope and collided with the 1st respondent's bus, causing the accident.

(2.4) The 1st respondent's driver was driving cautiously, considering it was a hill road. However, the accident occurred solely due to the negligence of the Taurus lorry driver. At the time of the accident, another lorry bearing Registration No. TN60AF 5720, which was coming behind the bus at high speed, hit the stationary bus, causing it to be pushed forward and collide with the Taurus lorry. Due to the accident, the respondent's bus sustained damages. The bus driver suffered a fracture in the left wrist and severe injury to the right shoulder. The accident was entirely due to the negligence of the Taurus lorry driver, and the bus driver of the 1st respondent is not responsible in any manner. Therefore, the 1st respondent is not liable to pay any compensation. The driver, owner, and insurer of the Taurus lorry bearing Registration No. TN52A 7758 must be impleaded as necessary parties. Only if they are included can the true cause of the accident be determined. Since they have not been included, the petition is liable to be dismissed at the threshold.

(2.5) Despite the true facts, the police, without proper investigation, have registered the First Information Report (FIR) in favor of the petitioners with the intention of helping them claim compensation. The FIR falsely alleges that the bus driver of the 1st respondent drove rashly and negligently and caused the accident. Therefore, the FIR should not be accepted as evidence under Section 114(e) of the Indian Evidence Act. The claim made against the 1st respondent's company is not legally sustainable.

(2.6) As the 1st respondent has been wrongly implicated in this case without any fault, the allegations made in the petition are denied. The statements in paragraphs 3, 4, 6, and 12 of the petition regarding age, occupation, income, and damage to property are exaggerated and denied. The petitioners must prove all such

claims with proper evidence. The claim that the deceased was aged 35 years and was earning approximately Rs.20,000/- per month as a driver is false and exaggerated. The petitioners must prove the same with proper evidence. The petitioners are not the legal heirs of the deceased. This is denied by the 1st respondent. If they claim to be the legal heirs, they must prove the same with proper documentary evidence.

(2.7) The petitioners must prove that no other compensation claim has been filed in any other court regarding this accident. The compensation amount of Rs. 75,00,000/- claimed by the petitioners is excessive, unreasonable, and unjustified. The petitioners have claimed a huge amount based on imaginary grounds. The 1st respondent is not liable to pay such compensation under any circumstances. The claim, if any, must be made against the 3rd and 4th respondents. The 1st respondent submits that he reserves the right to file an additional counter statement, if necessary. Therefore, it is most respectfully prayed that this Tribunal may be pleased to dismiss the compensation claim filed by the petitioners against the 1st respondent, with maximum costs, for the reasons stated above, in the interest of justice.

3) Contents of the counter filed by the 2nd Respondent :

(3.1) The petition is false, frivolous, vexatious and unsustainable both under law and on the facts of the case, and the petition. Except the averments which are specifically admitted herein all other allegations are denied as false and the petitioner has to prove the same. This respondent submit that at the time of the alleged occurrence, the 1st Respondent had been driving the vehicle in a normal speed, adopting all the traffic Rules and Regulation. By that time because of the negligent driving of the driver in a Lorry bearing Registration No.TN-52-A7758 who the deceased, in the over right by the vehicle in the road the accident occurred. The accident was occurred only due to negligence of the vehicle TN-52-A7758. The occurrence took place only due to the negligent act of the deceased Driver.

(3.2) The Vehicle belongs to the 1st Respondent Company and other petitioner area the owners and insurers of the other vehicle at that time of the accident, the insurance Company is only liable to indemnify the same to the petitioner. The Brief History of the accident stated in the Column 23 is false and exaggerated, and also not correct, and claiming compensation in column 21-A, from various heads are highly excessive and not entitled for the same. Hence the claiming is highly exaggerated and exorbitant. Therefore, the respondent prays that this Hon'ble Court may be pleased to dismiss the petition with cost and render justice.

4) Contents of the counter and additional counter filed by the 4th Respondent :

(4.1) The petition filed by the petitioner are not maintainable either in law or on facts, hence it is liable to be dismissed in limine. Save and except that are herein after specifically admitted all the other averments and allegations stated in the petition are denied as false and the Petitioner is put to strict proof of the same. This Respondent submits that the TN 60 AF 5720 lorry which is alleged to be involved in the accident is to be verified whether insured or not insured with this Respondent. The owner is not cooperating with this Respondent's Insurance Company about the insurance policy and other details regarding the alleged accident for effectively conduct this case with ulterior motives. Moreover it seems that the vehicle 3rd Respondent is doing so with ulterior motives. Hence this Respondent apprehends that the 3rd Respondent is colluding with the petitioners with a view to escaping from the liability and to help the petitioners which will cause irreparable loss and injuries to this Respondent's Insurance Company.

(4.2) It is submitted that the alleged accident was happened only on the rash and negligent driving of the TNSTC Driver bearing regn.No. TN 57N 2361. Due to the impact of the TNSTC Vehicle TN57 N 2361 and Terros Lorry bearing Regn No. TN 52A 7758, and sudden collusion of the accident, the said TNSTC Vehicle revert back and dashed against the Lorry bearing Registration No. TN 60AF 5720. Hence the TNSTC Driver bearing Regn.No.TN57 N 2361 and the terros lorry bearing Regn.

No. TN 52A 7758 both are responsible for the alleged accident. The damages of the front portion of the lorry bearing Regn No. TN 60 AF 5720 was caused only due to the sudden revert back velocity and hit by the TNSTC Bus bearing Regn No. TN 57 N2361. Hence in anyway the lorry bearing regn.No. TN60AF 5720 not liable to pay any compensation as alleged by the petitioner. This 4th Respondent is not a necessary party to this petition. This petition may be dismissed as against 4th respondent as misjoinder of party.

(4.3) The deceased Balasubramani is Driver of the Terros lorry bearing Regn. No. TN52A 7758 at the time of accident. The owner of the said Lorry TN 52 A 7758 and its insurer was necessary parties to this case. For non joinder of these parties are fatal to this case. Hence this petition may be dismissed as non-joinder of necessary parties. Regarding Jurisdiction points, the petitioners have to file only Workmen Compensation Act and get the relief what they are having. This tribunal has no jurisdiction to decide the case. Hence this case may be dismissed with cost of this 4th Respondent. Without prejudice the above contention this respondent denies the averment in the petition regarding the deceased aged, occupation and losses due to the accident and manner of the accident and the petitioner must prove the same through the documentary evidence.

(4.4) Without prejudice to the above contention, the petitioner's claim under various heads are not admitted by this Respondent. The petitioner must prove their claim through necessary medical records, wherever necessary. The Petitioners are trying to get fortune out of his misfortune. Anyhow the compensation claimed by the petitioner is highly excessive and out of all proportions. The Petitioners may be directed to confirm that no other petition has been filed arising out of the same accident either before this court or before any other court within the country. The petitioners may also be directed to give an undertaking to this court that such petitions if pending before any other court without be withdrawn, if award made by more than one court arising out of the same accident then the claimant shall have the

liberty to retain the award first made and be directed to return the subsequent compensation granted. Wherefore it is prayed that this court may be pleased to dismissed the claim petition as against and this 4th respondent with cost and thus render justice.

5) Points for consideration :

- i) Whether the accident occurred due to rash and negligent driving of the 2nd 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 ?

6) On the side of the Petitioners, the 1st Petitioner Pandi Murugeswari was examined as PW1 and Ex.P1 to Ex.P7 were marked. On the side of the respondents, 2nd Respondent Krishnan was examined as RW1. One Ashok kumar was examined as RW2 and Ex.R1, Ex.R2 were marked through him.

7) Point No.1 :

(7.1) 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 driver of the bus, the 2nd respondent. It is settled by the Hon'ble Supreme Court of India in the case of Sajeena Ikhbal & Ors. Versus Mini Babu George & Ors reported in 2024 Live law (SC) 810 that in claim cases, arising out of motor accident, 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) TN MAC 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.

(7.2) On 13.09.2020, at around 6.00 PM, the deceased departed from Thangammalpuram carrying bricks in a Taurus lorry bearing Registration No. TN52 A 7758, heading towards Thekkottai. At approximately 8.45 PM, near Chettiyapatti, while proceeding on the NH road from west to east and driving along the left side of the road near Ramar Kalavasal, before Chettiyapatti village, a Government Transport Bus bearing Registration No. TN57 N 2361 came from the opposite direction (east to west). The bus driver, Krishnan, drove the vehicle in a rash and negligent manner and veered to the wrong side of the road, colliding head-on with the lorry driven by Balasubramani. As a result of the accident, the deceased sustained severe crush injuries below the right knee and injuries to the right cheek, shoulder, head, and chest. He was immediately taken by 108 ambulance to the Government Medical College Hospital at K.Vilakku and admitted for treatment. However, despite treatment, he succumbed to his injuries.

(7.3) On the other hand, the 1, 2 Respondents contended that the accident was entirely due to the negligence of the Taurus lorry driver, and the 2nd respondent is not responsible in any manner. Therefore, the 1, 2 respondents is not liable to pay any compensation. The 4th Respondent contended that the accident was happened only on the rash and negligent driving of the 2nd Respondent. Due to the impact of the sudden collusion of the accident, the said bus revert back and dashed against the Lorry bearing No. TN60AF 5720. Hence, the 2nd Respondent is responsible for the alleged accident.

(7.4) To prove the claim, 1st petitioner was examined as PW1 and in the light of petition averments, PW2 Karamani, who is the eye witness and seen the accident testified that at the time of accident, when a Government Transport Bus bearing

Registration No. TN57 N 2361 came from the opposite direction (east to west). The bus driver, Krishnan, drove the vehicle in a rash and negligent manner and veered to the wrong side of the road, colliding head-on with the Taurus lorry and in the impact, the driver deceased Balasubramani had sustained multiple grievous injuries on his body and he died.

(7.5) Therefore, the evidence of PW2 who is the eye witness for the accident is trustworthy and believable one. In other words, his evidence is quite natural. No other contra evidence is produced on respondents side against PW2's evidence. It is significant to note that as per Ex.P1 FIR and Ex.P6 Final report against the 2nd Respondent who is the driver of the 1st Respondent transport corporation is prosecuted for the offences u/s. 279, 337 IPC. Thus, from the evidence of PW2 and Ex.P1 FIR, Ex.P6 Final report are made it clear that the accident was happened due to rash and negligent driving of the 2nd Respondent.

(7.6) On the other hand, the 2nd Respondent Krishnan was examined as RW1 and his evidence would depose that he had driven the bus in a slow manner and hence he is not at all responsible for the accident. Whereas, during his cross examination he has admitted that, *“என் மீது தான் உசிலம்பட்டி தாலுகா காவல் நிலையத்தில் முதல் தகவல் அறிக்கை தாக்கல் செய்து , புலன் விசாரணை செய்து குற்றப் பத்திரிக்கையும் தாக்கல் செய்துள்ளார்கள் என்றால் சரி . விபத்தினால் எனது பேருந்து பின்னோக்கி சென்று விட்டது என்றால் சரி . எனது பேருந்திற்கு பின்பக்கம் இருந்த TN60AF 5720 என்ற எண் கொண்ட லாரி மீது பேருந்தின் பின்பக்கம் மோதி விட்டது.”*

(7.8) The 5th Respondent Asokkumar was examined as RW2 and his evidence would depose that he had driven the lorry bearing no.TN60AF 5720 in a slow manner and hence he is not at all responsible for the accident. Whereas, during his cross examination he has admitted that, *“கடந்த 2020 ம் வருடம் 9 வது மாதம் ஒரு நாள் இரவு 8.30 மணியளவில் உசிலம்பட்டியிலிருந்து ஆண்டிபட்டி செல்லும்*

வழியில் நான் TN60AF 5720 என்ற லாரியை ஓட்டி வந்தேன் . அப்போது செட்டியப்பட்ட அருகே கணவாய்க்கு கீழே TNSTC பேருந்திற்கு பின்னால் நான் ஓட்டி சென்ற லாரி நின்றது. TNSTC பேருந்துக்கு எதிரே TN52A 7758 டாரஸ் லாரி செங்கல் ஏற்றி கொண்டு வந்ததில் அந்த லாரியும் , அரசு பேருந்தும் மோதி கொண்டன. அவ்வாறு மோதி கொண்டதில் அரசு பேருந்து கண்ட்ரோல் இல்லாமல் வந்து பின்னால் நின்று கொண்டிருந்த லாரி மீது மோதி விட்டது . இந்த விபத்து சம்பந்தமாக உசிலம்பட்டி தாலுகா காவல் நிலையத்தில் TNSTC பேருந்து ஓட்டுநர் மீது வழக்கு பதிவு செய்தார்கள். TNSTC பேருந்து ஓட்டுநர் மீது தாக்கல் செய்யப்பட்ட வழக்கில் என்னை ஒரு சாட்சியாக காட்டியுள்ளார்கள் .“

Therefore, the said oral evidence of RW1 and RW2 itself proves that due to 2nd Respondent's negligent driving alone the accident was happened on 13.09.2020.

(7.9) It has to be seen that the police after completing investigation has laid Ex.P1 FIR and Ex.P6 Final Report against the 2nd 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, PW2 and Ex.P1 FIR, Ex.P6 Final report are proved that accident occurred due to the rash and negligent riding of the 2nd Respondent and not due to any contributory negligence on the part of the deceased and the point no.1 is answered accordingly.

(7.10) It has to be seen that an offending vehicle bus bearing registration no. TN57 N 2361 belongs to the 1st Respondent transport corporation. Therefore, this Tribunal is already held that due to the rash and negligent riding of the 2nd Respondent alone the accident had happened, in view of that the 1st Respondent transport corporation is liable to pay the compensation amount to the claimants. Thus, the Point No.2 is answered accordingly.

8) Point No. 3 :

(8.1) It is not in dispute that the 1st petitioner is the wife, 2nd petitioner is the daughter, 3rd Petitioner is the daughters and 4th Petitioner is the mother of the deceased. Ex.P5, legal heir certificate of the deceased, would shows that the petitioners 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 35 years old. To prove the age of the deceased, no age proof produced whereas, the Ex.P2 post mortem certificate discloses that at the time of accident his age was 35 years and hence this court holds that the deceased was 35 years old at the time of accident.

(8.3) The PW1 in her proof affidavit specifically stated that at the time of accident, the deceased was working as a driver and he was earning Rs.20,000/- per month. He was hale and healthy. The Petitioners 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 himself and for his family by doing any avocation. The Hon'ble Supreme Court fixed the notional income for the person who has no proof for his 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, deceased was working as a driver. The accident was happened in the year of 2020. Therefore, the cost of inflation index for the year 2020-2021 is 301. Hence, as per the inflation index method, the income of the deceased is calculated as follows :

(8.7) On the basis of the above discussion and calculation, it is decided to award a total sum of Rs.32,66,408/- as just and appropriate compensation for the death of deceased with 7.5% interest per annum for the remaining period, excluding any default period from the date of the petition until the amount is deposited. Thus, the point No.3 is answered accordingly.

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

(i) The 1st Respondent is directed to deposit the award amount of Rs.32,66,408/- with interest within one month from the date of order into 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 and the same shall be informed to this court in writing. (Excluding the period of dismissal for default, if any).

(ii) Out of the above compensation amount, 1st Petitioner is entitled to get a sum of Rs.16,33,204/- and the 2, 3 Petitioners are entitled to get a sum of Rs.7,16,602/- each. 4th Petitioner is entitled to get a sum of Rs.2,00,000/-.

(iii) After deposit of award amount the 1, 4 Petitioners are entitled to withdraw their respective award amount after the appeal period.

(iv) The amount payable to minor 2nd and 3rd Petitioners to be deposited in any Nationalized bank till their attaining majority and their guardian the 1st Petitioner is entitled to receive interest payable on said deposit once in a three months.

(v) The Petitioners are directed to pay the court fee of Rs.31,660.50 within 30 days from the date of this order. The Petitioners 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 09th day of April 2026.

Motor Accident Claims Tribunal/
Additional District Judge, Theni.

Petitioners side witnesses :

PW1 ... Pandi Murugeswari (1st Petitioner)
PW2 ... Karamani

Petitioners side Exhibits :

Ex.P1 ... First Information Report – Certified copy
Ex.P2 ... Post Mortem certificate - Certified copy
Ex.P3 ... Deceased death certificate
Ex.P4 ... TN57N 2361 MVI Report - Certified copy
Ex.P5 ... Deceased Legal certificate
Ex.P5 ... 1 to 5 Petitioner's Adhar card – Xerox
Ex.P6 ... Final report – Certified copy
Ex.P7 ... Deceased driving license

Respondents side witness :-

RW1 ... Krishnan
RW2 ... Ashokkumar

Respondents side Exhibits :-

Ex.R1 ... RW2's Adhar card – Xerox
Ex.R2 ... RW2's driving license - Xerox

Motor Accident Claims Tribunal/
Additional District Judge, Theni.