



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE AT THENI

**PRESENT: TMT. T.S.P. JAYASUDHA, M.L.,
Chief Judicial Magistrate, Theni.**

Wednesday, the 19th day of August, 2026

**M.C.O.P. No.154/2024
C.N.R. No. TNTH02 – 008570 – 2024**

1. Selvam, S/o. Perumal, aged about 49 years, residing at D.No.357, Rangasamuthiram, Kovilpatti, Aundipatti Taluk, Theni District.
2. Arunkumar, S/o. Selvam, aged about 26 years, residing at D.No.357, Rangasamuthiram, Kovilpatti, Aundipatti Taluk, Theni District.
3. Ashok Kumar, S/o. Selvam, aged about 21 years, residing at D.No.357, Rangasamuthiram, Kovilpatti, Aundipatti Taluk, Theni District.

... Petitioners

Vs.

1. Sivaneshkumar, S/o. Muthumuniyandi, aged about 37 years, residing at D.No.10/7/225, Mariyamman Kovil Street, Uthamapalayam Taluk, Theni District.
2. Thavamani, S/o. Thangaraj, aged about 40 years, residing at North Krishnan Kovil Street, Sitharpatti, Aundipatti Taluk, Theni District.
3. The Branch Manager, Cholamandalam MS General Insurance Company Limited, D.No.1104, Periyakulam Main Road, Theni - 625 531.

... Respondents

This Petition came up on 14.07.2026 for final hearing before me in the presence of Mr. S.M. Sundar Raj Kumar, Advocate appearing for the Petitioner, Mr. V. Balasubramanian, Advocate appearing for the 3rd Respondent, and R1 and R2 are set exparte and upon hearing the arguments of both sides and after perusing case records and having stood over for consideration till this day, this Tribunal passed the following:



AWARD

This Petition is filed under Section 140, 141, 142, 163(a), 163(b), 166 and 183(a) of the M.V. Act 1988 r/w Rule 3(1) of the MACT rules, claiming a compensation of Rs.60,00,000/- with interest and costs from the Respondent for the injuries sustained by the deceased Mahalakshmi in the accident which occurred on 01.02.2024 at about 08.45a.m near Fire Station at Asaripatti Road.

2. **Brief averments in the Petition are as follows:**

It is the case of the Petitioner, that on 01.02.2024 at about 08.30 a.m. deceased Mahalakshmi was traveling with her son namely Arunkumar (the 2nd Petitioner), for work as a pillion rider on a Honda Shine motorcycle bearing Reg. No. TN 60 AC 6411, owned by her brother Suresh. At about 8:45 a.m., while passing near the fire station at Asaripatti Road, the rider of the TVS Sport motorcycle ahead of them bearing registration TN 60 AV 8579, owned by the 1st Respondent and driven by the 2nd Respondent, namely Thavamani turned without giving any signal, consequently Arunkumar (the 2nd Petitioner) applied the brakes and collided with the motorcycle ahead. The deceased Mahalakshmi, who was a pillion rider, fell down and sustained a head injury, and abrasion on the right side of her back, and abrasions and blunt injuries all over her body. Arunkumar (the 2nd Petitioner) who was driving the vehicle, sustained abrasions on his right hip, right ankle, and left index finger. With the help of bystanders,



they were taken by auto to Aundipatti Government Hospital for first aid, then transferred via 108 ambulance to Theni G.Vilakku Government Hospital for further treatment. On the same day, deceased Mahalakshmi was admitted to Velammal Hospital in Madurai for further treatment and she remained an inpatient there from 01.02.2024 to 09.02.2024, and passed away at 5:00p.m on 09.02.2024. The above mentioned accident was caused by the 2nd Respondent, who was driving the vehicle owned by the 1st Respondent. She was working in Anganwadi and was earning about Rs.14,000/- per month. She fully contributed the said amount to her family. The petitioners were entirely dependent on income of the deceased. Now they are economically struggling very hard to meet their daily expenses and need. The 1st respondent, being the owner of the vehicle and 3rd respondent who is insurer of the vehicle are jointly and severally liable to pay the compensation to the petitioners. Hence, the Petitioners seeks compensation of sum of Rs. 60,00,000/- from the Respondents under various heads.

3. The averments in the counter filed by the 3rd Respondent in brief are as follows:

In the counter filed by the 3rd Respondent it is contended that the accident didn't happen due to the fault of the 2nd respondent herein. The 2nd respondent had driven the motorcycle bearing Reg.No.TN 60 AV 8579 in a normal speed by observing the traffic rules of the road at the time of accident. Without wearing



helmet, the deceased had travelled as a pillion rider which was driven by the 2nd petitioner at the time of the time of accident. Without having insurance policy and without following the traffic rules of the road, the 2nd petitioner had driven the motorcycle bearing Reg.No.TN 60 AC 6411 in a rash and negligent manner and dashed behind the 1st respondent's vehicle and caused the accident. Therefore the accident had happened only due to negligence of the 2nd petitioner. The 2nd respondent had no valid driving license at the time of accident and the 1st respondent had knowingly allowed his vehicle to be driven by the person who is not having driving license which is purely violation of the terms and conditions of the insurance policy. If the Tribunal decides that the petitioners entitled to get compensation, the 1st respondent alone has to satisfy the same. The remaining averments in Petition regarding the avocation of the Petitioner is denied. Hence, 3rd respondent is not liable to pay any compensation to the petitioner and this claim petition deserves to be dismissed.

4. The points for determination are:

1.	Whether the accident occurred due to the rash and negligent riding of the driver of the bike bearing Reg.No. TN 60 AV 8579 belonging to the Respondent?
2.	Whether the Respondents are liable to pay the compensation?



3.	Whether the petitioners are entitled for compensation and if so what is the amount?
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5. On these points, 1st and 2nd petitioners are examined as PW1 and PW2 through proof-affidavit and exhibited documents Ex.P1 to P12 on their side. The 1st and 2nd respondents are remained exparte. RW1 to RW3 were examined and Ex.R1 to Ex.R3 and Ex.X1 and Ex.X2 were marked on the side of 3rd respondent.

6. **POINT No.1:**

(i) It is the case of the petitioner that on 01.02.2024 at about 08.30 a.m. deceased Mahalakshmi was traveling with her son namely Arunkumar (the 2nd Petitioner), for work as a pillion rider on a Honda Shine motorcycle bearing Reg. No. TN 60 AC 6411, owned by her brother Suresh. At about 8:45 a.m., while passing near the fire station at Asaripatti Road, the rider of the TVS Sport motorcycle ahead of them bearing registration TN 60 AV 8579, owned by the 1st Respondent and driven by the 2nd Respondent, namely Thavamani turned without giving any signal, consequently Arunkumar (the 2nd Petitioner) applied the brakes and collided with the motorcycle ahead. The deceased Mahalakshmi, who was a pillion rider, fell down and sustained a head injury, and abrasion on the right side of her back, and abrasions and blunt injuries all over her body. Arunkumar (the 2nd Petitioner) who was driving the vehicle, sustained abrasions



on his right hip, right ankle, and left index finger. Despite treatment, the deceased Mahalakshmi succumbed to the fatal injuries on 09.02.2024, at Velammal Hospital, Madurai, necessitating her present legal heirs to file the present claim application.

(ii) With regard to the rash and negligent aspect of the riding of the 1st respondent's bike, the 1st and 2nd petitioners themselves has deposed as PW1 and PW2. PW2 himself is an eye witness to the accident. There is no evidence to suggest lack of negligence on the part of 2nd respondent. It is seen that, with regard to the accident, an FIR under Ex.P1 has been registered on 01.02.2024, in Cr. No.36/2024 by the Rajathani Police station, Theni against 2nd respondent who is the rider of the vehicle. It is seen that FIR has been lodged on the same day. Further, the said rider Thavamani has been charge sheeted for the offence u/s 279, 337, 304(A) IPC, S.181(3), 196 MV Act, as could be seen from Ex.P4/copy of final form report. In the present case the offending rider has been arrayed as 2nd respondent and though he remained exparte, on summons by the 3rd respondent, he has been examined as RW3, wherein he specifically denies his knowledge as to how the deceased and the 2nd petitioner came and how the accident occurred. The specific case of the petitioners is that, this 2nd respondent had suddenly turned without any signal, as a result of which the 2nd petitioner and the deceased who were traveling behind had met with accident. RW3 also



deposes the aforesaid manner of accident however defending himself. His cross examination is extracted hereunder:-

'எங்கள் பின்னால் வந்த இருசக்கர வாகனம் எங்களது மீது லேசாக உரசியதில் நாங்கள் இடது பக்கம் விழுந்துவிட்டோம். அவர் சுமார் 100 அடி தாண்டி சென்று விழுந்துவிட்டார்கள். அந்த வாகனத்திலும் இரண்டு நபர்கள் தான் வந்தார்கள். அவர் வாகனத்தை எப்படி ஓட்டி வந்தார் என்று தெரியாது.'

This court considering the aforesaid facts is of the view that the accident occurred due to the rash and negligent driving by the 2nd respondent of the bike bearing Reg. TN 60 AV 8579. Hence this Tribunal holds that the negligence and rashness of the 2nd respondent is the cause of accident. This point is answered accordingly.

7. POINT No.2:

(i) In the present case, the petitioners herein had produced the copy of the Registration certificate in respect of the offending vehicle bearing Reg. No. TN 60 AV 8579 standing in the name of the 1st respondent under Ex.P7. The petitioner had produced Ex.P8, the insurance policy for the offending vehicle standing in the name of 1st respondent from 01.02.2024 till 31.01.2025, covering the date of accident i.e., 01.02.2024. The Learned counsel for 3rd respondent specifically pleads that, the driver of the offending two wheeler did not possess



any valid license. In this regard the 3rd respondent had issued Ex.R2 legal notice to 1st and 2nd respondents and though the same acknowledged under Ex.R3, no reply by them. Further they remained exparte even in this claim petition, though he appeared as RW3, his driving license not produced and thereby the respondents are deemed to have admitted the claim petition averments as to non-possession of driving licence by R2. The 3rd respondent has further examined the official from RTO and marked Ex.X2 which reveals that this 2nd respondent is not in possession of driving licence., and hence as there is violation of policy condition, the principle of pay and recovery will apply and the 3rd respondent is directed to compensate the petitioners and is held entitled to recover such amount from the 1st respondent. This point is answered accordingly.

8. POINT No.3 :-

(i) This court is inclined to note that, the husband and sons of one deceased Mahalakshmi is before this Claims Tribunal seeking compensation for her death which occurred in a motor vehicle accident. This tribunal has already held that the death of the deceased Mahalakshmi on account of the cranio cerebral injuries and its complications, as stated in her post mortem certificate under Ex.P2, is on account of the negligence of the 2nd respondent in riding the offending two wheeler bearing Reg. No.TN 60 AV 8579, which is the cause of



the accident. The petitioners have produced the death certificate of deceased Mahalakshmi under Ex.P5 and has produced their legal heirship certificate under Ex.P9. Hence the petitioners are held entitled to receive compensation. Now this tribunal proceeds to calculate the quantum of compensation as eligible to each petitioner. The computation of compensation is as hereunder :-

a. Loss of Dependency :-

- (i) In the present case the **age of the deceased** as found in her postmortem report under Ex.P2 is **47**.
- (ii) Based on this age of the deceased this court is bound to adopt the **multiplier factor as 13**, based on decision of our Hon'ble Apex Court in Sarala Verma case.
- (iii) It is seen that, the deceased is stated to be working in Anganvadi. The pay slip of the deceased for the month of January 2024 is produced under Ex.P10, wherein it is seen that her net salary is Rs.11,556/-. This deceased was on a permanent/salaried job at Anganwadi and considering her age at 47, towards **future prospects an addition of 30%** is given to her salary. Hence the **salary** of the deceased per month is taken as Rs.15,022.80/- rounded off to **Rs.15,100/-**



(iv) The deceased is survived by the present petitioners 1 to 3. Now the number of dependants upon the deceased has to be considered. Though the petitioners 2 and 3 are aged between 21 – 26 years, they are unmarried and all them were living alongwith the deceased. Hence all of them considered as dependants upon the deceased. Hence based dictum of our Hon'ble Apex Court in Sarala Verma Case, this court considering the number of dependants as being 3 is inclined to **deduct 1/3rd** of the income of the deceased towards her personal and living expenses. Hence the income for the purpose of this claim petition is **Rs.10,067/-**. (Rs.15,100/- (-) Rs.5,033/-)

(v) Hence the loss of income for computing the loss of dependency is calculated at **Rs.15,70,452/-** (i.e.,Rs.10,067/- X 12 X13 = Rs.15,70,452/-).

b. Loss of Consortium. Loss of Estate and Funeral Expenses :-

(i) This tribunal is bound by the decision of our Hon'ble Apex Court in Pranay Sethi case wherein it has been held as hereunder :-

“(viii) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years. 10% advance has been added every 3 years.”



Hence this court is inclined to award **Rs.48,000/- as spousal consortium** for 1st petitioner and **Rs.48,000/- as parental consortium to each 2nd and 3rd petitioner.**, on the basis of the fact that such decision was rendered by our Hon'ble Apex Court in 2017 and the accident occurred in 2024. Hence additional 20% is awarded based on Pranay Sethi's case.

(ii) This tribunal based on the very same decision is inclined to award **Rs.18,000/- for loss of estate and Rs.18,000/- towards funeral expenses., to be payable to all the petitioners in toto.**

Now the claimants are entitled to compensation under various heads as follows:

<i>Heads of loss</i>	<i>Total Entitlement</i>	<i>1st petitioner</i>	<i>Each Petitioner 2 and 3</i>
Loss of Dependency	Rs.15,70,452/-/-	Rs.5,23,484/-	5,23,484/-
Loss of Spousal consortium	Rs.48,000/-	Rs.48,000/-	-
Loss of Parental consortium	Rs.96,000/-	-	Rs.48,000/-
Funeral Expenses	Rs.18,000	Rs.6,000/-	Rs.6,000/-
Loss of Estate	Rs.18,000	Rs.6,000/-	Rs.6,000/-
Total	Rs.17,50,452/-	Rs.5,83,484/-	Rs.5,83,484/-



This point is answered accordingly.

9. In the result, this petition is partly allowed as follows:-

a) That the 3rd respondent is liable to pay the **petitioners a total sum of Rs.17,50,452/- (Rupees Seventeen lakh fifty thousand four hundred and fifty two only) (Each petitioner being entitled to Rs.5,83,484/-)** as compensation to the petitioners with costs and interest at the rate of 7.5% per annum from the date of filing of the Claim Petition, i.e. from **29.07.2024** to till the date of realization. The interest is not payable for the default period if any.

(b) As per the order of our Hon'ble apex court in SLP No.4484/2020, the aforesaid compensation amount together with interest, costs shall be deposited by the 3rd respondent into each of the Petitioners bank account in equal proportion. Any fraction rounded off amount to be credited to the account of 1st petitioner. The bank account details of the petitioners are furnished hereunder.

(c) The 3rd respondent shall pay the compensation amount to such account of the Petitioners in equal proportions directly by NEFT or RTGS mode within a period of two months from the date of the petitioners herein producing a NO Court Fee Due certificate from this court and intimate the same to this tribunal with particulars of the deposit so made;



(d) Since there is violation of policy conditions, after paying the petitioners the 3rd respondent is given liberty to recover the same from the 1st respondent without resorting to any separate proceedings.

(e) The Court Fee payable is Rs.16,877.52/-. As the petitioners paid court fee of **Rs.1,000/-** alone, the Petitioners jointly and severally shall pay the deficit court fee of Rs. 15,877.52/- and it is rounded off to **Rs.15,878/-** within a period of **15 days** from today. The Advocate fee is fixed as Rs.24,504.52/- and it is rounded off to **Rs.25,505/-**. The petitioners are directed to pay such deficit court fee and obtain No court fee due certificate from this court and submit a copy of the same to the 3rd respondent through registered post.

Directly dictated to the stenographer and typed by her, corrected and pronounced by me in the Open Court on this the 19th day of August, 2026.

Chief Judicial Magistrate,
Theni.

The Bank Account particulars of the Petitioner:

Account Holder Name	:	Selvam P (1st petitioner)
Account No	:	33606787686
IFSC Code	:	SBIN0002195
Branch Name	:	State Bank of India
Branch Address	:	Aundipatti, Madurai to Cumbum Road.



Account Holder Name	:	Arunkumar S (2nd petitioner)
Account No	:	32444764747
IFSC Code	:	SBIN0002195
Branch Name	:	State Bank of India
Branch Address	:	Aundipatti, Madurai to Cumbum Road.

Account Holder Name	:	Ashokkumar S (3rd petitioner)
Account No	:	35018102142
IFSC Code	:	SBIN0002195
Branch Name	:	State Bank of India
Branch Address	:	Aundipatti, Madurai to Cumbum Road.

PETITIONER'S WITNESSES:

PW1 – 20.01.2026 – Selvam - cross examined by R3 on the same day itself.

PW2 – 03.02.2026 – Arunkumar - cross examined by R3 on the same day itself.

PETITIONER'S EXHIBITS :

Exhibits	Date	Description of the Exhibit	Proved by / Attested by
Ex. P1	01.02.2024	Photocopy of FIR No. 36/2024	PW1
Ex.P2	10.02.2024	Postmortem Report of Deceased Mahalakshmi	PW1
Ex.P3	09.02.2024	Section Alteration Report	PW1
Ex. P4	11.05.2024	Photocopy of Final Form Report	PW1
Ex. P5	13.02.2024	Photocopy of Death Certificate of deceased Mahalakshmi	PW1
Ex. P6	28.02.2024	Photocopy of MV report of TN 60 AC 6411	PW1
Ex. P7	--	Copy of RC of 1 st respondent's vehicle	PW1



Ex. P8	--	Copy of insurance policy	PW1
Ex. P9	24.02.2024	Copy of Legal heir certificate	PW1
Ex. P10	31.01.2024	Copy of Salary bill of the deceased Mahalakshmi	PW1
Ex. P11	--	Copy of 1 st petitioner's aadhaar card	PW1
Ex. P12	--	Copy of first page of the Bank passbook of the 1st Petitioner	PW1

3rd RESPONDENT WITNESSES :

RW1 – Arunprasath – 09.02.2026

RW2 – Marimuthu -10.07.2026

RW3 – Thavamani -14.07.2026

3rd RESPONDENT EXHIBITS:

Exhibits	Date	Description of the Exhibit	Proved by / Attested by
Ex. R1	--	Copy of Insurance policy of TN 60 AV 8579	RW1
Ex. R2	14.10.2025	Legal notice to R1 and R2 seeking them to provide their driving license	RW1
Ex. R3	18.10.2025	Copy of Postal receipt with acknowledgment	RW1
Ex. X1	01.06.2026	Authorisation letter	RW2
Ex. X2	01.06.2026	Letter shows that 2 nd respondent had no valid driving license	RW2

Chief Judicial Magistrate,
Theni.



OTHER IMPORTANT PARTICULARS

Date of filing of the petition	29.07.2024
Date of Award	19.08.2026
Amount Claimed under Compensation	Rs.60,00,000/-
Amount Awarded as Compensation	Rs.17,50,452/-
Total Court Fees	Rs.16,877.52/-
The Court Fee already paid	Rs.1,000/-
Balance Court Fee to be paid	Rs.15,877.52/- and it is rounded off to Rs.15,878/-

Chief Judicial Magistrate,
Theni.





Chief Judicial Magistrate,

Theni.

MCOP No. 154/2024

Order Dated : 19.08.2026