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IN THE COURT OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL/
ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PERIYAKULAM, THENI DISTRICT.

Present: Mr. C. SANKAR, B.A. M.L. PGDCFS.,
Motor Accident Claims Tribunal/
Additional District and Sessions Judge,
Periyakulam, Theni District.

Friday, the 13th day of March, 2026.

MOTOR ACCIDENT CLAIM ORIGINAL PETITION No.160/2023

CNR.No.TNTH090006282023

1. Marimuthu
2. Soundarapandian
3. Mareeswari

... Petitioners

// Vs. //

- 1.R.Manikandan
2. Branch Manager,
Magma HDI Central Insurance Company Limited,
Chennai.

3. Saravanan
(Amended as per order in I.A.No.2/2021 dated 27.07.2021)

... Respondents

This petition came on 25.02.2026 for final hearing before me in the presence of Mr.C.S.Murugesan, Learned Counsel for the petitioners and 1 to 3 Respondents



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remained exparte and upon hearing petitioners side argument and upon perusing the documents and having stood over till this day for consideration and this Court delivered the following...

AWARD

This petition is filed by the petitioners U/s. 166, 163A of MV Act 1988 r/w 3 (1) of MACT Rules claiming compensation of Rs.1,00,00,000/- for the loss of life of deceased Pandeewaran.

2. The averments made in the Claim Petition in brief is as follows:

i) The 1st petitioner is the father, the 2nd Petitioner is the brother and 3rd petitioner is the sister of deceased Pandeewaran, who died in the accident. The petitioner's case is that, on 13.07.2019 at 8.20 am, the deceased Pandeewaran was driving a car bearing the registration number TN 55AU4744 belonging to Vijayakumar to take a bath in a waterfall in the state of Kerala, with Kaja Mogaideen sitting on his left side, and Senthilkumar, Ramesh and Vijayakumar sitting behind them, and were travelling from east to west on the left side of the road near the Kollam-Tirumangalam road near the Commandant's Residential Church. When the driver of a goods vehicle TN 29 BH 1980 TATA Medium goods vehicle belonging to the 1st respondent, who was travelling from west to east on the same road in the opposite direction, drove at high speed, recklessly and carelessly and hit the car being driven by Pandeewaran, causing an accident. As a result, 3 persons including Pandeewaran who were travelling in the car died on the spot. Therefore, the accident occurred due to the negligence of the 1st respondent's driver. The Petitioners, being the legal heirs, have filed the claim petition seeking compensation of Rs.1,00,00,000/-, for which the Goods Vehicle owner and the insurer are jointly and severally liable. Hence, this claim petition may be allowed with costs.



ii) The Puliyarai Police has registered a case in Crime No.237/2019 against the 1st respondent's driver for the offence punishable U/s.279, 337 and 304(A) of IPC. According to the petitioners the deceased was working as a branch Manager in Sri Ram Transport Finance Company and was earning Rs.30,200/- per month. The deceased was the sole bread winner of his family and petitioners were wholly depending on the income of the deceased. The petitioners have claimed Rs.1,00,00,000/-. It is the further contention of the petitioners that the accident occurred only due to the rash and negligent driving of the 1st respondent, the driver of the goods vehicle bearing registration No.TN 29 BH 1980 TATA medium goods vehicle. The 2nd respondent being the registered owner of the above said vehicle, the 1 to 3 respondents are jointly and severally liable to pay the compensation to the petitioners.

3. The 1 to 3 respondents remained exparte.

4. On the side of the petitioners, the 1st petitioner Marimuthu was examined as **P.W.1** and **Ex.P1 to Ex.P15** marked. Vijayakumar was examined as **P.W.2** and Sriram Finance Company Limited, Thirucokarnam branch Manager Eswaramoorthy was examined as **P.W.3** and **Ex.P16 to Ex.P24** marked.

5. **Point for consideration are:**

1. Whether the accident happened due to the rash and negligent driving of the driver of the TATA Medium Goods Vehicle bearing registration No.TN 29 BH 1980 ?
2. Whether the petitioners are entitled to get compensation and if so, what is the quantum ?
3. Who is liable to pay compensation ?



6. Point No.1.

i) The 1st petitioner is the father of the deceased. He was examined as P.W.1. The 1st respondent is the driver of the vehicle involved in the accident and the 1st respondent is the registered owner of the said offending vehicle. Ex.P.14 is the copy of Registration Certificate of the offending vehicle wherein it is seen that the registered owner of the offending vehicle is the 1st respondent.

ii) P.W.1 has deposed that, on 13.07.2019 at 8.20 am, the deceased Pandeewaran was driving a car bearing the registration number TN 55AU4744 belonging to Vijayakumar to take a bath in a waterfall in the state of Kerala, with Kaja Mohideen sitting on his left side, and Senthilkumar, Ramesh and Vijayakumar sitting behind them, and were travelling from east to west on the left side of the road near the Kollam-Tirumangalam road near the Commandant's Residential Church. When the driver of a goods vehicle TN 29 BH 1980 TATA Medium goods vehicle belonging to the 1st respondent, who was travelling from west to east on the same road in the opposite direction, drove at high speed, recklessly and carelessly and hit the car being driven by Pandeewaran, causing an accident. As a result, 3 persons including Pandeewaran who were travelling in the car died on the spot.

iii) Ex.P.1 is copy of FIR and a case U/s.279,337 and 304(A) of IPC has been registered in Crime No.237/2019 against the driver of the vehicle ie., the 3rd respondent's by the Puliয়ারai Police Station. Ex.P.11 is the copy of Final Report laid by the Puliয়ারai Police Station against the 1st respondent's driver in Crime No.237/2019. In Ex.P4, it is stated in paragraph 19 that there was no mechanical defect in the vehicle at the time of the accident.



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iv). The eye witness of this case, Vijaya Kumar, has been examined as P.W.2. In his evidence, he has stated that the accident occurred due to the driver of vehicle TN 29 BH 1980 TATA Medium goods vehicle 3rd Respondent Saravanan, driving his vehicle at high speed. In support of the above Ex.P.1 first information report, Ex.P.11 final report has also been registered against Saravanan, who drove TATA Medium goods vehicle. Therefore, this court holds that, the accident had occurred due to the rash and negligent driving of the driver of the 1st respondent and point No.1 is answered accordingly.

7. Point No.2.

i) The 1st petitioner is the father of the deceased and 2nd and 3rd petitioners are brother and sister of the deceased. The petitioners claim a sum of Rs.1,00,00,000/- as compensation under various heads. According to P.W.1 the deceased aged about 31 years at the time of accident and he was working as a Branch Manager in Sriram Transport Finance Company at Thirukokarnam and was drawing a monthly salary of **Rs.30,200/-**. On perusal of the said salary certificate Ex.P8, it is clear that the deceased was drawing a salary of **Rs. 30,200/-** and after deductions he was drawing a salary of **Rs. 25,302/-**. Therefore, this Court is of the opinion that his monthly salary was **Rs.25,302/-** is fixed. Further, Ex.P.2 Death Certificate and Ex.P.3 Postmortem Certificate have been filed in support of the determination of the age of the deceased. It is stated therein that the age of the deceased was 31. Hence, the monthly income of the deceased was **Rs.25,302/-** will be considered. Further, our Honourable Supreme Court in the case of “**Sarla Verma & Ors Vs. Delhi Transport Corp.**” has held that the income of deceased Pandeeswaran has to be enhanced by 50%. This Court decides to follow the directions given in the case. Therefore, the future prospects of the deceased Pandeeswaran is Rs.12,651/- ($\text{Rs.25,302} + 50\% = \text{Rs.12,651/-}$) and further, the monthly income of the deceased was ($\text{Rs.25,302} + \text{Rs.12,651/-}$) amount of Rs.37,953/- has been fixed. Further, the age of



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the deceased Pandeewaran has been fixed as 31 years as per Ex.P2 Death Certificate.

ii) The Honourable Supreme Court has given “**Sarla Verma & Ors., // Vs. // Delhi Transport Corp. & Anr., on 15th April, 2009**” the Multiplier 16 based amount of (Rs.37,953/- x 12 x 16-multiplier) **Rs. 72,86,976/-**. However, Pandeewaran died in the accident, the deceased is survived by father, brother and sister. The Xerox copy of Family Card is marked as Ex.P9 for the petitioners to prove the same. According to the said Family card and Aadar Cards, it has been proved that, the deceased Pandeewaran has father, brother and sister, a total of three persons. Hence, the deceased Pandeewaran was given $1/3^{\text{rd}}$ of the income **Rs. 72,86,976 x - 1/3 = Rs.24,28,992/-**. Further, a total **loss of income** amount of **Rs.48,57,984/-** respectively. The reasonable figures on conventional heads namely **loss of estate Rs.15,000/-** and **funeral expenses** shall be **Rs.15,000/-** respectively as per the new guidelines of the Honourable Supreme Court in “**National Insurance Co. Ltd vs Pranay Sethi on 31 October, 2017, 2017 (2) TN MAC 609 (SC)**”.

iii) From what are discussed and as found above, compensation payable to the petitioners herein are hereby recorded as shown in the tabular column below:

Sl. No.	Head of claim	Amount awarded (in Rupees)	Basic vital details in a nut shell
1.	Loss of income	48,57,984	
2.	Damage to cloth and articles	1000	
3.	Loss of love and affection of the 1 to 3 petitioners.	30,000	(3 x Rs.10,000/-)



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4.	Loss of estate	15,000	
5.	Funeral expenses.	15,000	
	<u>Total.</u>	Rs.49,18,984/- Rounded off Rs.49,18,980/-	Rs.49,18,980/- with interest at 7.5% per annum from the date of petition till realization.

The rest of the claims in the OP are not allowed as shown in the tabular column are hereby disallowed and this point is answered accordingly.

8. Point No.3.

The Court finds that the death of Pandeewaran occurred due to the negligence of Saravanan, the driver of the TATA medium goods vehicle bearing registration number TN-29-BH-1980 belonging to the first respondent. At the time of the accident, the TATA medium goods vehicle bearing registration number TN-29-BH-1980 of the first respondent was insured by the insurance company of the 2nd respondent. Further, after perusing the certified copy of the order Ex.P15, it is held that since the accident was occurred due to the negligence of Saravanan, the driver of the 1st respondent, the 2nd respondent insurance company is liable to pay compensation to the petitioners and point no.3 is answered accordingly.

9. In the result, the petition is partly allowed with costs as follows:

- i). The 2nd respondent is directed to pay a sum of **Rs.49,18,980/-**
(Rupees Forty Nine Lakh Eighteen Thousand Nine Hundred



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and Eighty only) as compensation to the petitioners with interest at the rate of 7.5% from the date of petition till the date of realization with cost within 3 months from the date of this order.

- ii). Further ordered that, out of the compensation amount, the 1st petitioner is entitled to **Rs.19,18,980/-** (Rupees Nineteen Lakh Eighteen Thousand Nine Hundred and Eighty only) and 2nd and 3rd petitioners are entitled to **Rs.15,00,000/-** (Rupees Fifteen Lakh only) **each**.
- iii). Further ordered that, after the deposit of compensation amount, the 1 to 3 petitioners are permitted to withdraw 50% of her share amount and the balance amount of 50% shall be deposited in any of the Nationalized Bank for a period of 3 years and there is permitted to withdraw the accrued interest thereon once in 3 months.
- iv). The petitioners are not entitled to any interest for the defaulted period if any.
- v). The petitioners are directed to pay the balance court fee amount of **Rs.48,190/-**.
- vi). Advocate fee is fixed at **Rs.56,190/-**.

Dictated by me, directly typed by Steno-Typist into computer, corrected and pronounced by me in the open Court, this the 13th day of March 2026.

**Additional District and Sessions Judge,
Periyakulam.**



Evidence on the side of the petitioners:

- P.W.1. - Marimuthu (1st petitioner).
- P.W.2. - Vijayakumar
- P.W.3. - Eswaramoorthy

Documents on the side of the petitioners:

- Ex.P.1. - First Information Report in Crime No.237/2019 of Puliyarai Police station dated 13.07.2019.
- Ex.P.2. - Death Certificate of Pandeeswaran dated 09.08.2019
- Ex.P.3. - Postmortem Certificate of Pandeeswaran
- Ex.P.4. - TN-29-BH-1980 Motor Vehicles Report dated 25.07.2019
- Ex.P.5. - TN-55-AU-4744 Motor Vehicles Report dated 25.07.2019
- Ex.P.6. - Driving License of the Pandeeswaran
- Ex.P.7. - TN-29-BH-1980 TATA Medium Goods Vehicle Policy Copy
- Ex.P.8. - Salary Certificate of Pandeeswaran
- Ex.P.9. - Aadhaar Card Xerox Copy of the Petitioner Nos.1 to 3
- Ex.P.10. - Xerox Copy of Rough Sketch dated 13.07.2019.
- Ex.P.11. - Certified Copy of Final Report dated 20.08.2019
- Ex.P.12. - Certified Copy of Insurance Policy for Vehicle Registration No.TN 55 AU 4744
- Ex.P.13. - Certified Copy of Insurance Policy for Goods Vehicle Registration No.TN 29 BH 1970
- Ex.P.14. - Certified Copy of Registration Certificate No.TN 55 AU 4744 Vehicle



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- Ex.P.15. - Certified Copy of MCOP.No.2271/2019 Order.
- Ex.P.16. - A true copy of Pandeewaran's salary certificate for January 2019.
- Ex.P.17. - A true copy of Pandeewaran's salary certificate for February 2019.
- Ex.P.18. - A true copy of Pandeewaran's Form-16 in the year of 2018-2019.each.
- Ex.P.19. - A true copy of Pandeewaran's Form-16 in the year of 2019-2020.
- Ex.P.20. - A true copy of the projection report regarding Pandeewaran's future salary.
- Ex.P.21. - Xerox Copy of Eswaramoorthy Identity Card
- Ex.P.22. - A true copy of Pandeewaran's salary certificate for April 2019.
- Ex.P.23. - A true copy of Pandeewaran's salary certificate for May 2019.
- Ex.P.24. - A true copy of Pandeewaran's salary certificate for June 2019.

Respondents side Evidence and Documents:-

-NIL-

**Additional District and Sessions Judge,
Periyakulam.**



FAIR : AWARD/ORDER

MCOP.No.160/2023

**Additional District And
Sessions Court,
Periyakulam, Theni District.**

Dated 13.03.2026.