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IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,
Subordinate Judge, Palladam

Monday of 23rd March, 2026

MCOP No.187/2023

(TNTI210005572023)

(a)	Name and address of the claimant / Petitioner (s)	<p>1. T.Anushya Mary, W/o.Thiraviyaraj, aged about 41 years, residing at No.100, Devar Nagar, 1st Street, Bharathiyar Road Last, Jaihindupuram, Madurai South, Madurai, Tamil Nadu – 625 011.</p> <p>2.T.Pushparaj Thomas, S/o. Thiraviyaraj, aged about 20 years, residing at No.100, Devar Nagar, 2nd Street, Bharathiyar Road Last, Jaihindupuram, Madurai South, Madurai, Tamil Nadu – 625 011.</p> <p>3. T.Thakash, S/o. Thiraviyaraj, aged about 19 years, residing at No.100, Devar Nagar, 2nd Street, Bharathiyar Road Last, Jaihindupuram, Madurai South, Subramaniapuram, Madurai, Tamil Nadu – 625 011.</p>
(b)	Name and address of the respondent (s)	<p>1. A. Dhanapal, S/o.Arumugam, residing at Punjai Thottakurichi, Devandra Street, Punjaithottakurichi,</p>

		Karur District – 639 001. 2. The Managing Director, Tamil Nadu State Transport Corporation Limited, Having Periyamilagupurai, Trichy, Tiruchirapalli, Tamil Nadu – 620 001.
(c)	Name and address of the Insurance company	Not Applicable
(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 Limited, Having Periyamilagupurai, Trichy, Tiruchirapalli, Tamil Nadu – 620 001.
(e)	Date of filing of the claim petition	21.07.2023
(f)	Date of award	18.03.2026
(g)	Amount of award	Rs. 22,90,550/-
(h)	Interest rate applicable	7.5% per annum
(i)	Date (s) from which interest is payable	21.07.2023
(j)	Costs, if any	Stamp on petition Rs. 20.00 Stamp on Vakalath Rs. 10.00 Court fee Rs. 22278 Advocate fee Rs. 29906 =====
		Total = Rs. 52,214
(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 2 nd Respondent is directed to deposit the award amount of Rs.22,90,550/- 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	The petitioners are entitled to

	claimants, the shares and amounts payable to each of them shall be specified.	Rs.22,90,550/- with proportionate interest and cost. The 1 st Petitioner shall be entitled to Rs.12,90,550/- and the 2 nd petitioner shall be entitled to Rs.5,00,000/ - and the 3 rd Petitioner shall be entitled to Rs.5,00,000/- each with proportionate interest and cost.
(m)	The mode and manner of deposit of compensation	<p>The 2nd Respondent is directed to deposit the award amount with interest and cost in the 1st Petitioner (T.Anusuya Mary)) Savings Account No. 009501000138181 (IFSC Code No. IOBA0000095, INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode and 2nd Petitioner (T.Pushparaj Thomas) Savings Account No.009501000138183 (IFSC Code No. IOBA0000095, INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode and 3rd Petitioner (T.Thakash) Savings Account No. 110298425930 (IFSC Code No.CNRB0008175, CANARA BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode within 15 days from the date of Payment of remaining Court Fee by the Petitioner.</p> <p>The 2nd Respondent is hereby directed to intimate the fact of such deposit immediately to this Sub Court eMail ID in (tprpldm.sctn@gmail.com) and to the counsel on record for the Petitioner.</p>

(n)	Period of default to which the petitioner are not entitled for interest, if any.	Nil
(o)	Balance of Court fee	The petitioner is directed to pay the court fee of Rs. 22,278/- within 2 weeks from the date of this order. The petitioner shall not be entitled to withdraw the sum deposited as per the Award until the balance of court fee is deposited.

1. T.Anushya Mary
2. T.Pushparaj Thomas
3. T.Thakash

... Petitioners

// Versus //

1. A.Dhanapal
2. The Managing Director, Tamil Nadu State Transport Corporation Limited

...Respondents

This petition came up for final hearing on 18.03.2026 in the presence of **Thiru.V.Mohan,B.A.,B.L.**, Advocate for the petitioners and **Thiru.S.Balan,B.A.,B.L.**, Advocate for the 1st and 2nd Respondents. After hearing the arguments on both sides and upon perusing the materials available on record, this Court delivered the following:-

AWARD

This original petition was filed by the petitioner Under Section 166 (1) of the Motor Vehicles Act to direct the respondents are such of the who found liable to pay the petitioner the sum of Rs.50,00,000/- towards compensation together with subsequent interest there are at 18% per annum from the date of this claim petition till realization in full.

02. The Averments in the petitioner in brief as follows :

1. That on 03.07.2023 at 02.20 P.M. the Deceased D.Thiraviyaraj was riding in Pulsar bearing Regn.No.TN-58-BH-6897 at Palladam to Kovai Road, In front of Sanjana Mobiles Shop, from East to West direction by much observing traffic rules and regulations. At that time, the 1st respondent drove the Government Bus bearing Regn.No.TN-45-N-4002 in the above said road and Same direction without observing any traffic rules and regulations and dashed hit behind the deceased's vehicle and caused the accident, which results in death of D.Thiraviyaraj.

2. At the time of accident, the deceased was a Proprietor of PTR Fish Stall and he had earned an income of not less than RS.30,000/-. The deceased was aged about 43 years and hale and healthy. The 1st Petitioner is Wife and 2nd and 3rd Petitioners are Sons of the deceased D.Thiraviyaraj. The 1st petitioner

is lost her beloved Husband and 2nd and 3rd petitioners are lost their beloved Father at their middle age. The deceased was alone earning member of the family. If he would not have died in the accident, he would contribute all his earnings to his family. The petitioners are the dependents of the deceased D.Thiraviyaraj.

03. The Averments in counter of 1st and 2nd Respondent in brief :

The Petition is false, frivolous, vexations and unsustainable both under law and the facts of the case. Except the averments which are specifically admitted herein and all other allegations are denied as false and the Petitioner has to prove the same. The accident was happened due to the negligent of the deceased. Further during the course of accident the deceased not worn Helmet. The deceased has no valid license and the subject vehicle has no insurance or proper records. Hence the 1st and 2nd respondent is not liable to pay compensation.

05. Now point for the consideration is whether this petition is allowed ?

Since it is a summary trial it is foremost to decide the following heads:

06. Negligence:

1. It is the case of the petitioner that on 03.07.2023 at 02.20 P.M. the Deceased D.Thiraviyaraj was riding in Pulsar bearing Regn.No.TN-58-BH-

6897 at Palladam to Kovai Road, In front of Sanjana Mobiles Shop, from East to West direction by much observing traffic rules and regulations. At that time, the 1st respondent drove the Government Bus bearing Regn.No.TN-45-N-4002 in the above said road and Same direction without observing any traffic rules and regulations and dashed hit behind the deceased's vehicle and caused the accident, which results in death of D.Thiraviyaraj.

2. In order to substantiate such claim petitioner was examined as PW1 and through him Ex.P1 to Ex.P8 documents have been marked. Ex.P1 FIR, Ex.P2 MV report, Ex.P3 1st Respondent's Driving License , Ex.P4 Post mortem Report, Ex.P5 Death Certificate of D.Thiraviyaraj, Ex.P6 Legal Heir certificate of D.Thiraviyaraj was produced and eyewitness Anushya Mary was examined as PW1. On careful perusal of documentary and oral evidence adduced by the witnesses and as per Ex.P1 FIR it is clear that accident was happened due to the rash and negligence of 1st Respondent.

3. Further it is the case of the 2nd respondent that deceased had not worn helmet during the course of the accident and placed his case for contributory negligence. Hence according to him the accident was happened due to negligence of deceased and he had also contributed the accident.

4. On perusal of above records as per Ex.P4 Post Mortem Certificate it is seen that deceased had died due injuries over Head area. Hence this court is of considered view that deceased had also contributed for his lost of life. So it is safe to fix 10% as a **Contributory negligence** and it should be deducted from the award as ordered by this court.

07. Liability:

It is the case of the learned counsel appearing for the 2nd respondent that the during the course of accident the deceased had not Valid and effective driving licence. Hence they are not liable to pay the compensation. On careful perusal of evidences it is seen that accident was happened due to the negligent act of 1st respondent. Hence 2nd Transport company is liable to pay the compensation as awarded.

08. Quantum:-

Since this court found that accident was happened due to negligence of 1st respondent and 2nd respondent is directed to pay the compensation. With respect to quantum it is foremost duty of this court to fix the monthly salary of the deceased. Here as per case of petitioner and as per Ex.P5 Death Certificate the age of the deceased D.Thiraviyaraj was 43 years. There is no contra evidence adduced by the 2nd respondent to deny the age of the deceased D.Thiraviyaraj.

3. For fixation of monthly salary it is the case of the petitioner that deceased D.Thiraviyaraj the deceased was a Proprietor of PTR Fish Stall and he had earned an income of not less than RS.30,000/-. Without a piece of documentary evidence this court cannot accept the fact that deceased would have earned a monthly salary of Rs. 30,000/-. Hence as per judgment of our **Hon'ble High Court in Petchiammal and others Vs Sathiyamoorthy and another** in **CM.A.No. 2636/2022** dated **17.07.2023** wherein our Hon'ble High Court had fixed a nominal income is **Rs. 17,000/-** for the accident happened on 2019 whereas here accident happened on 2023. But taking note of fact that age of the deceased at the time of accident was 43 and he was hale and healthy at that time. Hence taking note of such fact this court hereby fix the nominal income of Deceased D.Thiraviyaraj as **Rs.17,000/-** at the time of accident.

4. To assess the appropriate compensation the monthly income, multiply, loss of estate, consortium, funeral expenses should be taken into account. Here monthly income was fixed as Rs. 17,000/- and age fixed as 43 years for deceased D.Thiraviyaraj As per guidelines of our **Hon'ble Apex Court in Pranay Sethi case** future prospectus should be added in the income of the deceased. Here age of the deceased is 43 years and self employed. Hence future prospectus fixed as 25% of his monthly income (Fixed as Rs.17,000/-)

So the monthly income of the deceased D.Thiraviyaraj would be (Rs.17,000 X 25% = 4,250/-+17,000 = **Rs.21,250/-**)

5. The deceased D.Thiraviyaraj would have spend 1/3 of his income that will come as Rs.7,083/-. So after deduction amount is fixed as Rs.14,167/-. So the yearly loss of dependency would be (14,167X12=Rs.1,70,004/-). Hence yearly loss of dependency fixed as Rs.1,70,004/-. As per judgment of our **Hon'ble Supreme Court in Sarala Verma case** the multiplicand for the age between 41-45 years is 14. So, the loss of dependency would be (1,70,004X14= **Rs.23,80,056/-**)

6. Apart from loss dependency the dependent is entitled for loss of estate, loss of consortium, funeral expenses and transport expenses as per decision of Pranay Seithi case. As per said decision our Hon'ble Apex Court had ordered to pay Rs. 40,000/- towards Consortium, Rs. 15,000/- towards Funeral and Rs. 15,000/- Loss of estate. Further our Hon'ble Apex Court had ordered to enhance 10% under conventional heads once in three years. The said decision was decided before three years. Hence as per order of Hon'ble Apex Court the petitioner is entitled to (15000*10%) Rs. 16,500/- towards loss of Estate, (15000*10%) Rs. 16,500/- towards funeral expenses and (40000*10%) Rs. 44,000/- towards each consortium for Petitioners. So this petitioner are entitled to (23,80,056+16,500+16,500+44,000+44,000+44,000)=

Rs.25,45,056/- as total compensation. From that as a Contributory Negligence there will be a deduction of 10 % from the compensation awarded i.e., (**Rs.2,54,506/-**). Hence after deduction the total compensation where the petitioners are eligible to get is **Rs.22,90,550/-**

09. Apportionment of Compensation:-

Sl. No	CATEGORIES OF COMPENSATION	APPORTIONED AMOUNT
1	Nominal income	Rs.17,000/-
2	After Deduction the amount is fixed as Rs.14,167/-	Rs.14,167/-
3	Yearly loss of income (14,167X12= 1,70,004/-).	Rs. 1,70,004
4	Multiplier (41-45)	14
5	loss of dependency (1,70,004X14= Rs.23,80,056/-)	Rs.23,80,056/-
6	Loss of Estate	Rs.16,500/-
7	Funeral Expenses	Rs.16,500/-
8	Loss of Consortium for 1 st Petitioner	Rs.44,000/-
9	Loss of Consortium for 2 nd Petitioner	Rs.44,000/-
10	Loss of Consortium for 3 rd Petitioner	Rs.44,000/-
10	Contributory Negligence	10% (Rs.2,54,506/-)
	Total	Rs.25,45,056/- (-) Rs.2,54,506/-= Rs.22,90,550/-

With this observation this petition is allowed by directing the 2nd Respondent to pay a Compensation of **Rs.22,90,550/-** With an Interest of

7.5 % Per annum from the date of this petition to the petitioners within a period of One Month in the 1st Petitioner (T.Anusuya Mary)) **Savings Account No. 009501000138181 (IFSC Code No. IOBA0000095, INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode and 2nd Petitioner (T.Pushparaj Thomas) Savings Account No.009501000138183 (IFSC Code No. IOBA0000095, INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode and 3rd Petitioner (T.Thakash) Savings Account No. 110298425930 (IFSC Code No.CNRB0008175, CANARA BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode.**

10. In the result, this petition in accordingly allowed in part with costs, on the following terms:-

(i) The 2nd Respondent is directed to deposit the award amount of **Rs.22,90,550/-** 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 to the credit of the 1st Petitioner (T.Anusuya Mary) **Savings Account No. 009501000138181 (IFSC Code No. IOBA0000095, INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode and 2nd Petitioner (T.Pushparaj Thomas)**

Savings Account No.009501000138183 (IFSC Code No. IOBA0000095, INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode and 3rd Petitioner (T.Thakash) Savings Account No. 110298425930 (IFSC Code No.CNRB0008175, CANARA BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode and to file Bank payment advice into this Court through email (tprpldm.sctn@gmail.com). The petitioners are not entitled to get any interest for the default period if any.

- (ii) The petitioners are entitled to **Rs.22,90,550/-** with proportionate interest and cost.The 1st Petitioner shall be entitled to **Rs.12,90,550/-** and the 2nd petitioner shall be entitled to **Rs.5,00,000/ -** and the 3rd Petitioner shall be entitled to **Rs.5,00,000/- each** with proportionate interest and cost.
- (iii) The petitioners are directed to pay the court fee of **Rs. 22,278/-** within 2 weeks 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.
- (iv) Advocate fee of **Rs. 29,906/-** shall be paid through NEFT/RTGS Mode.
- (v) 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. All the

parties are entitled to free copies of the award as per Section 168 (2) of the MV Act and Rules 20 (6) of the Rules.

Dictated to the Steno-Typist, typed by her directly into the computer, corrected, printed out and pronounced by me in Open Court on this the 23rd day March 2026.

Subordinate Judge,
Palladam

Petitioner's side Witness:

No. of Witnesses	Name of the Witnesses
PW1	Anusuya Mary

Petitioner's side exhibits:

Ex. No	Date	Details
Ex-P1	-	Copy of FIR
Ex-P2	-	Copy of MV Report
Ex-P3	-	Copy of 1 st Respondent's Driving License
Ex-P4	-	Copy of Post Mortem Certificate
Ex-P5	-	Copy of Death Certificate
Ex-P6	-	Copy of Legal Heir Certificate
Ex-P7	-	Copy of Aadhar card of Deceased
Ex-P8	-	Copy of Aadhar card of Anushya Mary

Respondent's side Witness : Nil

Respondent's side Exhibits : Nil

Subordinate Judge,
Palladam

DRAFT / FAIR judgment

MCOP No. 187/2023

Date : 23.03.2026