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## IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

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

Thursday of 11<sup>th</sup> June, 2026

### **MCOP No.449/2024**

(TNTI210007452024)

|     |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Name and address of the claimant / Petitioner (s) | 1. M.Eswari, W/o.Mani, aged about 59 years, Residing at No.11, Alampalayam, Kurichikottai, Udumalaipettai, Tiruppur, Tamil Nadu – 642 112.<br>2. R.Poongodi, W/o. Rajendran, aged about 47 years, Residing at No.2/166, Ponneri, Kottamangalam, Tiruppur, Tamil Nadu – 642 204.<br>3. R.Aishwarya, D/o.Rajendran, aged about 25 years, Residing at No.2/166, Ponneri, Kottamangalam, Tiruppur, Tamil Nadu – 642 204.<br>4. M.Saranya, W/o.Maheshkumar, aged about 23 years, Residing at No.4/613-43, Vengadeshwara Nagar, Palladam Taluk, Maheshwaran Nagar, Ganapathipalayam, Tiruppur, Tamil Nadu – 641 605. |
| (b) | Name and address of the respondent (s)            | 1. K.Muniyappan,(Died) S/o.Kanniappan, Residing at No.7/47, Sundakkampalayam North, Boothinatham, Udumalpet, Tamil Nadu – 642 132.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|     |                                                                                                                                                                                       |                                                                                                                                                                                                                                                            |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                                                                                                                                                       | 2. The Branch Manager, United India Insurance Company Limited, Having office at No.139, C.G. Complex, III Floor, Kumaran Road, Tiruppur District – 641 601.                                                                                                |
| (c) | Name and address of the Insurance company                                                                                                                                             | <b>The Branch Manager, United India Insurance Company Limited, Having office at No.139, C.G. Complex, III Floor, Kumaran Road, Tiruppur District – 641 601.</b>                                                                                            |
| (d) | Name and address of the Transport Corporation or such other respondents who are held liable to pay                                                                                    | Not Applicable                                                                                                                                                                                                                                             |
| (e) | Date of filing of the claim petition                                                                                                                                                  | 04.10.2024                                                                                                                                                                                                                                                 |
| (f) | Date of award                                                                                                                                                                         | <b>11.06.2026</b>                                                                                                                                                                                                                                          |
| (g) | Amount of award                                                                                                                                                                       | <b>Rs.26,95,328/-</b>                                                                                                                                                                                                                                      |
| (h) | Interest rate applicable                                                                                                                                                              | 7.5% per annum                                                                                                                                                                                                                                             |
| (i) | Date(s) from which interest is payable                                                                                                                                                | 04.10.2024                                                                                                                                                                                                                                                 |
| (j) | Costs, if any                                                                                                                                                                         | Stamp on petition      Rs.      20.00<br>Stamp on Vakalath      Rs.      10.00<br><b>Court fee                      Rs. 26,326.00</b><br><b>Advocate fee                Rs. 33,953.00</b><br>=====<br><b>Total = Rs. 60,309.00</b>                         |
| (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 <sup>nd</sup> Respondent is directed to deposit the award amount of <b>Rs.26,95,328/-</b> 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 claimants, the shares and amounts payable to each of them shall be specified. | The petitioners are entitled to <b>Rs.26,95,328/-</b> with proportionate interest and cost. The 1 <sup>st</sup> Petitioner shall be entitled to <b>Rs.6,00,000/-</b> and the 2 <sup>nd</sup> petitioner shall be entitled to <b>Rs.8,95,328/-</b> 3 <sup>rd</sup> petitioner shall be entitled to <b>Rs.6,00,000/-</b> 4 <sup>th</sup> petitioner shall be entitled to <b>Rs.6,00,000/-</b> each with proportionate interest and cost.                                                                                                                                                                                                                                                                                                                                                                                 |
| (m) | The mode and manner of deposit of compensation                                                                 | The 2 <sup>nd</sup> Respondent is directed to deposit the award amount with interest and cost in to the 1 <sup>st</sup> Petitioner (M.Eswari) <b>Savings Account No.009501000138447 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode</b> and the 2 <sup>nd</sup> Petitioner (R.Poongodi) <b>Savings Account No.009501000138446 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode.</b><br>3 <sup>rd</sup> Petitioner (R.Aishwarya) <b>Savings Account No.0209010006599 (IFSC Code No.CSBK0000209 CSB BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode</b><br>4 <sup>th</sup> Petitioner (M.Saranya) <b>Savings Account No.009501000138448 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR</b> |

|     |                                                                                  |                                                                                                                                                                                                                                                   |
|-----|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                                                                  | <b>BRANCH, TIRUPPUR directly by NEFT/RTGS Mode</b><br>The petitioners are not entitled to get any interest for the default period if any and recover the same from 1 <sup>st</sup> Respondent in the manner known to law.                         |
| (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 <b>Rs.26,326/-</b> 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. M.Eswari
2. R.Poongodi
3. R.Aishwarya
4. M.Saranya

... Petitioners

**// Versus //**

1. K.Muniappan
- 2.The Branch Manager  
United India Insurance Company Limited

...Respondents

This petition came up for final hearing on 11.06.2026 in the presence of **Thiru.V.Mohan,B.A.,B.L.**, Advocate for the petitioners and **Mrs.R.Manickaraj,B.Com,B.L.**, Advocate for the 2<sup>nd</sup> Respondent. The 1<sup>st</sup> Respondent died. The 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.70,00,000/- 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 24.07.2024 at 06.00 A.M. the deceased was walking at Udumalaipettai to Palladam Road, Near Ponneri MR Bakkery From East to West direction by much observing traffic rules and regulations. At that time the 1<sup>st</sup> Respondent drove the Honda Unicorn Bike bearing Regn.No.TN-37-CX-4304 in the above said road from South to North direction without observing any traffic rules and regulations and dashed against the deceased and caused the accident which resulted in death of M.Rajendran.

2. At the time of accident, the deceased was a Mason and he had earned an income of not less than Rs.35,000/-. The deceased was aged about 49 years and hale and healthy. The 1<sup>st</sup> Petitioner is the Mother, The 2<sup>nd</sup> Petitioner is the Wife, The 3<sup>rd</sup> Petitioner and 4<sup>th</sup> Petitioners are the Daughters of the deceased M.Rajendran. The 1<sup>st</sup> Petitioner lost her beloved son, the 2<sup>nd</sup> Petitioner lost her beloved Husband, and the 3<sup>rd</sup> and 4<sup>th</sup> Petitioners lost their beloved Father. The deceased was the only 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 M.Rajendran. Under the said circumstances the petitioner is claiming a sum of Rs. 70,00,000/- from date of this claim petition till realization in full.

**03. The Averments in counter 2<sup>nd</sup> 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. Hence the 2<sup>nd</sup> respondent is not liable to pay compensation.

**04. 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:

### **05. Negligence:**

1. It is the case of the petitioner that on 24.07.2024 at 06.00 A.M. the deceased was walking at Udumalaipettai to Palladam Road, Near Ponneri MR Bakery From East to West direction by much observing traffic rules and regulations. At that time the 1<sup>st</sup> Respondent rided the Honda Unicorn Bike bearing Regn.No.TN-37-CX-4304 in the above said road from South to North direction without observing any traffic rules and regulations and dashed against the deceased and caused the accident which resulted in death of M.Rajendran.

2. In order to substantiate such claim petitioner was examined as PW1 and through him Ex.P1 to Ex.P9 documents have been marked. The Learned counsel for the 2<sup>nd</sup> respondent argued that as per Ex.P1 FIR the accident happened only due to the carelessness riding of the deceased, so there is no negligence on the part of driver of the two wheeler, hence according to her 2<sup>nd</sup> respondent they are not liable to pay compensation. But on careful reading of Ex.P2 Alteration report and Ex.P3 Final Report filed by Police it is seen that accident was happened due to the negligence of two wheeler driver, hence it is clear that accident was happened due to the rash and negligence of 1<sup>st</sup>

Respondent who died thereafter. So this court is of considered view that accident was happened due to the negligence of 1<sup>st</sup> respondent.

#### **06. Liability:**

It is the case of the learned counsel appearing for the 2<sup>nd</sup> respondent that the accident was happened due to the negligence of the deceased, 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 1<sup>st</sup> respondent. Hence as per Ex.P.4 MV Report 2<sup>nd</sup> respondent Insurance company is liable to pay the compensation as awarded.

#### **07. Quantum:-**

Since this court found that accident was happened due to negligence of 1<sup>st</sup> respondent and 2<sup>nd</sup> 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.P6 Death Certificate the age of the deceased M.Rajendran was 49 years. There is no contra evidence adduced by the 2<sup>nd</sup> respondent to deny the age of the deceased M.Rajendran.

2. For fixation of monthly salary it is the case of the petitioner that

deceased M.Rajendran the deceased was Mason and he had earned an income of not less than Rs.35,000/-. Without a piece of documentary evidence this court cannot accept the fact that deceased would have earned a monthly salary of Rs. 35,000/-. 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 2022. But taking note of fact that age, gender of the deceased at the time of accident was 49 and she was hale and healthy at that time. Hence taking note of such fact this court hereby fix the nominal income of Deceased M.Rajendran as **Rs.17,000/-** at the time of accident.

3. 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 49 years for deceased M.Rajendran. 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 49 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 M.Rajendran would be (Rs.17,000 X 25% = 4,250/-+17,000 = **Rs.21,250/-** )

4. The deceased M.Rajendran would have spend 1/4 of his income that will come as Rs.5,312/-. So after deduction amount is fixed as Rs.15,938/-. So the yearly loss of dependency would be ( 15,938X12=Rs.1,91,256/-). Hence yearly loss of dependency fixed as **Rs.1,91,256/-**. As per judgment of our **Hon'ble Supreme Court in Sarala Verma case** the multiplicand for the age between 46-50 years is 13. So, the loss of dependency would be (1,91,256X13=**Rs.24,86,328/-**)

5. 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 (15000X10%) Rs. 16,500/- towards loss of Estate, (15000X10%) Rs. 16,500/- towards funeral expenses and (40000X10%) Rs. 44,000/- towards each consortium for Petitioners. So this petitioners are entitled to (24,86,328+16,500+16,500+44,000+44,000+44,000+44,000)=**Rs.26,95,328/-** as total compensation.

**08.Apportionment of Compensation:-**

| Sl.No | CATEGORIES OF COMPENSATION                                | APPORTIONED AMOUNT     |
|-------|-----------------------------------------------------------|------------------------|
| 1     | Nominal income                                            | <b>Rs.17,000/-</b>     |
| 2     | After Deduction the amount is fixed as Rs.15,938 /-       | Rs.15,938/-            |
| 3     | Yearly loss of income (15,938X12= 1,91,256/-).            | Rs. 1,91,256/-         |
| 4     | Multiplier (46-50)                                        | 13                     |
| 5     | loss of dependency (1,91,256X13= <b>Rs.24,86,328 /-</b> ) | <b>Rs.24,86,328 /-</b> |
| 6     | Loss of Estate                                            | Rs.16,500/-            |
| 7     | Funeral Expenses                                          | Rs.16,500/-            |
| 8     | Loss of Consortium for 1 <sup>st</sup> Petitioner         | Rs.44,000/-            |
| 9     | Loss of Consortium for 2 <sup>nd</sup> Petitioner         | Rs.44,000/-            |
| 10    | Loss of Consortium for 2 <sup>nd</sup> Petitioner         | Rs.44,000/-            |
| 11    | Loss of Consortium for 2 <sup>nd</sup> Petitioner         | Rs.44,000/-            |
|       | <b>Total</b>                                              | <b>Rs.26,95,328/-</b>  |

With this observation this petition is allowed by directing the 2<sup>nd</sup> Respondent to pay a Compensation of **Rs.26,95,328/-** With an Interest of 7.5 % Per annum from the date of this petition to the petitioner within a period of One Month. The 1<sup>st</sup> Petitioner shall be entitled to **Rs.6,00,000/-** in the Savings Account No.009501000138447 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode and The 2<sup>nd</sup> Petitioner shall be entitled to

**Rs.8,95,328/- in the Savings Account No.009501000138446 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode and The 3<sup>rd</sup> Petitioner shall be entitled to Rs.6,00,000/- in the Savings Account No.0209010006599 (IFSC Code No.CSBK0000209 CSB BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode and The 4<sup>th</sup> Petitioner shall be entitled to Rs.6,00,000/- in the Savings Account No.009501000138448 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode**

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

**(i) The 2<sup>nd</sup> Respondent is directed to deposit the award amount of Rs.26,95,328/- 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 The 3<sup>rd</sup> Respondent is directed to deposit the award amount with interest and cost The 1<sup>st</sup> Petitioner shall be entitled to Rs. 6,00,000/- in the Savings Account No.009501000138447 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode and the 2<sup>nd</sup> petitioner shall be entitled to Rs.8,95,328/- in the Savings Account**

No.009501000138446 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode and The 3<sup>rd</sup> Petitioner shall be entitled to Rs. 6,00,000/- in the Savings Account No.0209010006599 (IFSC Code No.CSBK0000209 CSB BANK, TIRUPPUR BRANCH, TIRUPPUR directly by NEFT/RTGS Mode and The 4<sup>th</sup> Petitioner shall be entitled to Rs. 6,00,000/- in the Savings Account No.009501000138448 (IFSC Code No.IOBA0000095 INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, TIRUPPUR 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.26,95,328/-** with proportionate interest and cost. The 1<sup>st</sup> Petitioner shall be entitled to **Rs.6,00,000/-** and the 2<sup>nd</sup> petitioner shall be entitled to **Rs.8,95,328 /-** The 3<sup>rd</sup> Petitioner shall be entitled to **Rs.6,00,000/-** and the 4<sup>th</sup> petitioner shall be entitled to **Rs.6,00,000/- each** with proportionate interest and cost.
- (iii) The petitioners are directed to pay the court fee of **Rs. 26,326/-** 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. 33,953/-** shall be paid in the (V.Mohan) **Savings Account No. 916020082097541 (IFSC Code No.UTIB0000210 AXIS BANK, TIRUPPUR BRANCH, TIRUPPUR** 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 **11<sup>th</sup>** day June 2026.

Subordinate Judge,  
Palladam

**Petitioner's side Witness:**

| No. of Witnesses | Name of the Witnesses |
|------------------|-----------------------|
| PW1              | Poongodi              |

**Petitioner's side exhibits:**

| Ex. No | Date | Details                   |
|--------|------|---------------------------|
| Ex-P1  | -    | Copy of FIR               |
| Ex-P2  | -    | Copy of Alteration Report |
| Ex-P3  | -    | Copy of Final Report      |

|       |   |                                                   |
|-------|---|---------------------------------------------------|
| Ex-P4 | - | Copy of MV Report (TN-37-CX-4304)                 |
| Ex-P5 | - | Copy of Post Mortem Report                        |
| Ex-P6 | - | Copy of Death Certificate                         |
| Ex-P7 | - | Copy of Legal Heir Certificate                    |
| Ex-P8 | - | Copy of Deceased Aadhar Card                      |
| Ex.P9 | - | Copy of 2 <sup>nd</sup> Petitioner's Aadhaar Card |

**Respondent's side Witness and Exhibits : NIL**

Subordinate Judge,  
Palladam

**DRAFT / FAIR judgment**

**MCOP No. 449/2024**

**Date : 11.06.2026**