



MOTOR ACCIDENT CLAIM TRIBUNAL, TIRUNELVELI
(I ADDITIONAL DISTRICT COURT, TIRUNELVELI)

PRESENT: Thiru. D. Selvam, M.L.,
Motor Accident Claim Tribunal Judge/
1st Additional District Judge,
Tirunelveli.

Saturday, the 25th day of April 2026

Motor Accident Claims Original Petition No. 875/2024
(CNR No:TNTL010053822024)

(a) Name and Address of the Claimant/Petitioner	<p>1. Vallithai, W/o. Veilmuthu, Aged. 40 years and residing at No. 3/98, West Street, Nagalapuram, Therku Ilandaikulam, Panikkarkulam, Thoothukudi District – 628 952.</p> <p>2. Suresh, S/o. Veilmuthu, Aged. 24 years and residing at No. 3/98, West Street, Nagalapuram, Therku Ilandaikulam, Panikkarkulam, Thoothukudi District – 628 952.</p> <p>3. Veilmuthu, S/o. Veilmuthu, Aged. 23 years and residing at No. 3/98, West Street, Nagalapuram, Therku Ilandaikulam, Panikkarkulam, Thoothukudi District – 628 952.</p> <p>4. Lakshmi, W/o. Late. Muthukalaidevar, Aged. 68 years and residing at No. 3/98A, Melatheru, Therku Ilandaikulam, Panikkarkulam, Thoothukudi District – 628 952.</p>
(b) Name and Address of the	1. Jothikrishnan, S/o. Narayanasamy, Age Not



Respondents	<p>known to the petitioners and residing at No. 19, Ramalingam Layout, Chinnaayyavoo Thevar Street, Udaiyampalayam, Sowripalayam, Coimbatore 641 028.</p> <p>2. United India Insurance Company Limited through its Branch Manager, office at First Floor, 178, Dr. Nanjappa Road, Coimbatore – 641 018.</p> <p>3. United India Insurance Company Limited through its Divisional Manager, office at No. 1, Post Office Road, Palayamkottai.</p>
(c) Name and Address of the Insurance Company.	<p>1. United India Insurance Company Limited through its Branch Manager, office at First Floor, 178, Dr. Nanjappa Road, Coimbatore – 641 018.</p> <p>2. United India Insurance Company Limited through its Divisional Manager, office at No. 1, Post Office Road, Palayamkottai.</p>
Date of filing of the claim petition	17.04.2024
Date of Award	25.04.2026
Amount of Award	Rs. 24,76,076/-
Interest rate applicable	7.5%
Date(s) from which interest is payable	From the date of presentation of this petition till realization.
Costs, if any	<p>Stamp on vakalath – Rs. 10.00</p> <p>Balance Tribunal fee – Rs. 23,761.00</p> <p>Advocate fee - Rs. 33,261.00</p> <p style="text-align: right;">-----</p> <p style="text-align: right;">Rs. 57,032.00</p> <p style="text-align: right;">-----</p>
In cases where the compensation,	The petitioners are entitled to get an award of



interests, and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of the award, interests, and costs.	Rs. 24,76,076/-in total, and the award amount shall be payable by the respondents along with the interest at the rate of 7.5% from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).
In Cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	Out of the above compensation amount, the 1 st petitioner is entitled to Rs. 14,76,076/- and 2 nd and 3 rd petitioners are entitled to Rs. 3,00,000/- each and the 4 th petitioner is entitled to Rs. 4,00,000/- with proportionate interest and costs.
The mode and manner of deposit of compensation And The mode and manner of disbursement	As per the Judgment of the Hon'ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025 , the tribunals are directed to pass an award by ordering the insurance company to transfer the award amount into the Bank account of the claimant after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the 1 st to 3 rd respondents is directed to transfer the award amount to the Claimant (s) Bank Account
The period of default to which the petitioners are not entitled for interest, if any	-Nil-
Balance of Tribunal Fee	Rs. 23,761/-
<p><u>Award passed in the format as directed by the Honourable High Court in M/s Cholamandalam MS/General Insurance Co., Ltd., Vs. Ayyanar and others Tr.CMP.Nos. 264 of 2020 dated 11.05.2020.</u></p> <p>In the above Judgment at Paragraph No.28(a)(b), it read as</p> <p>(a) The process of drafting decrees for awards passed in motor vehicles, cases, both</p>	



at the level for the Claims Tribunal throughout the State of Tamil Nadu and at the appellate level, shall cease forthwith.

(b) The Claims Tribunal shall arrange to deliver free copies of the award to the parties concerned within 15 days from the date of the award as contemplated by Section 168(2) of the Act and 20(6) of the Rule.

In view of the above judgment, there is no need to prepare or draft the Decree for this award, and further, all the parties are entitled to get free copies of the award as per Section 168(2) of the Act and 20(6) of the Rule.

1. Vallithai
2. Suresh
3. Veilmuthu
4. Lakshmi

... Petitioners

// Versus //

1. Jothi Krishnan
2. United India Insurance Company Limited
through its Branch Manager, Coimbatore.
3. United India Insurance Company Limited
through its Divisional Manager, Palayamkottai.

... Respondents

This Petition came before this Tribunal on 16.04.2026 for a final hearing in the presence of Thiru. S. Venkatavarathan, Advocate for the Petitioners and Thiru. A. Mohanraj, Advocate for the 2nd and 3rd respondents, and 1st respondent called absent, set exparte and upon hearing the arguments of both sides and on perusing the records and having stood over till this date for consideration, this court



delivered the following ...

ORDER

1. Prayer: -

This Petition has been filed by the Petitioner under sections 166 (3) of the Motor Vehicles Act, claiming compensation of Rs. 50,00,000/- with 12% interest with costs on the death of Veilmuthu from the date of the petition till realization and such other reliefs.

2. The brief averments of the petition are as follows: -

(i) The 1st petitioner is the wife, 2nd and 3rd petitioners are the Sons, 4th petitioner is the mother of the deceased/Veilmuthu. On 16.02.2023 at about 6.00 AM, the deceased was driving a Tractor bearing registration no. TN 49 AF 3649, along with M-Sand load on the Tirunelveli – Madurai N.H. from north to south near Karisalkulam branch road. At that time, an Eicher bearing registration no. TN 34 AB 0590, belonging to the 1st respondent insured with the 2nd respondent, came from just behind without sounding the horn in a high-speed rashly negligent manner and hit against the rear portion of the Trailer. As a result, the Tractor lost its control and capsized on the east side ditch of the road, and the Either Vehicle also fell over the Tractor. As a consequence, the deceased was trapped inside the



Tractor and sustained serious injuries and died on the spot.

(ii) The Kayathar District Police have registered a criminal case under Section. 279, 304 A of the IPC in Cr. No. 82/2023 against the 1st respondent, and the case is pending before the Judicial Magistrate No. II, Kovilpatti, Tuticorin District.

(iii) The deceased was 42 years old, and he was working as a watchman in Kayathar Milk Co-operative Society and earning a sum of Rs. 15,000/- per month, and also doing driving work, earning a sum of Rs. 15,000/- per month, and the total earning amount Rs. 30,000/- per month at the time of the accident.

(iv) The accident occurred due to the rash and negligent driving of the 1st respondent driver. The vehicle Eicher bearing registration number TN 34 AB 0590 was insured with the 2nd respondent. Hence, the respondents are liable to pay the compensation amount as claimed by the petitioners.

(v) The petitioners estimate the compensation in several heads and their loss and expenses on account of the accident and death of the deceased at Rs. 72,40,000/-. But, the petitioners restricted their claim to a sum of Rs. 50,00,000/-. They will get a lump sum amount in the event of an award of compensation by the tribunal. Hence, the respondents are responsible for paying compensation to the



petitioners.

3. The brief averments of the counter filed by the 2nd and 3rd respondent is as follows:-

The claim petition is not maintainable either in law or on the facts. The respondent denied the averments contained in the petition, except for the admitted facts. The petitioner is not entitled to the reliefs prayed for. The petitioners are not the legal heirs of the deceased Veilmuthu. The deceased Veilmuthu was driving the tractor bearing registration no. TN 49 AF 3649 came from north to south on the Madurai to Tirunelveli four-way road. While the tractor was approximately 100 meters away from the Karisalkulam branch road, the 1st respondent's vehicle, which was also traveling from north to south behind the tractor and observing the traffic rules strictly, approached. The deceased suddenly applied the brakes of the tractor without observing the traffic rules. The 1st respondent vehicle's driver attempted to stop his Eicher lorry, but he was unable to do so and thereby hit the back side of the trailer. The 1st respondent vehicle was insured with the 2nd at the time of the accident. The monthly income has been highly boosted for the claim, and no documents have been filed to show the income and occupation. The 1st respondent is not liable to pay any



compensation to the petitioner. Therefore, the petitioners are not entitled to any compensation at all. The claim amount is excessive. Hence, the petition is liable to be dismissed with costs.

4. The 1st respondent is called absent, after due service of notice and set exparte.

5. The points for consideration in the case are:-

- (1) Whether the accident had taken place due to the rash and negligent driving of the 1st respondent driver?
- (2) Whether the respondents liable to pay the compensation as claimed by the petitioner?
- (3) If so, what is the amount of compensation the petitioner is entitled to?

6. During the enquiry, the 3rd petitioner, Mr. Veilmuthu, was examined himself as PW-1 and Ex. P-1 to Ex. P-10 was marked. Mr. A. Veilmuthu was examined as PW2 and Ex. X-1 marked. The respondents' side had no oral evidence, and documentary evidence was adduced.

7. Points No. 1 and 2:-

(i) Heard both sides. This court carefully perused the petition, counter, oral, and documentary evidence.

(ii) Accident:



(a) As per the evidence of the PW-1, the accident happened on 16.02.2023 at about 6.00 AM. The deceased was driving a Tractor bearing registration no. TN 49 AF 3649, along with M-Sand load on the Tirunelveli – Madurai N.H. from north to south near Karisalkulam branch road. At that time, an Eicher bearing registration no. TN 34 AB 0590, belonging to the 1st respondent insured with the 2nd respondent, came from just behind without sounding the horn in a high-speed rashly negligent manner and hit against the rear portion of the Trailer. As a result, the Tractor lost its control and capsized on the east side ditch of the road, and the Eicher Vehicle also fell over the Tractor. As a consequence, the deceased was trapped inside the Tractor and sustained serious injuries and died on the spot itself. In respect of the accident, an FIR was lodged, and it was marked as Ex. P-1. The death was confirmed through the Ex. P-2 Postmortem certificate.

(b) On verification of the records, the PW-1 is not the eye-witness of the accident and a hearsay witness in this case. The Ex. P-1 FIR corroborates the evidence of the PW-1. The PW-2, who claimed to be an eyewitness, deposed that the accident occurred due to the negligence of the 1st respondent's driver, and hit the deceased's tractor. Even though the PW-2 name does not appear in the police records, he had a chance to see the accident. In this circumstance, if the 1st



respondent's driver had been cautious, he may have avoided dashing and caused the accident. So, the respondents' objections are rejected. As the above, the manner of the accident occurred due to the careless driving of the respondent's driver, and the same, the accident has been proved.

(iii) Contributory Negligence:

As discussed above, this tribunal would not find that the deceased has contributed to the accident. So, the plea of contributory negligence in the accident is rejected. So, this Tribunal holds that the respondents are liable to pay the compensation to the petitioner. Accordingly, points no. 1 and 2 are answered.

8. Answer to Point No. 3: -

(i) Dependents of the deceased:

The 1st petitioner is the wife, the 2nd and 3rd petitioners are the sons, and the 4th petitioner is the mother of the deceased. There is no dispute that the petitioners are the legal heirs of the deceased Veilmuthu as per the Ex. P-3 Legal heirship certificate, and the respondents are also not opposed to the relationship between the deceased and the petitioner.

(ii) Age of the deceased and Multiplier:

The petitioner specifically stated that at the time of the accident, the



deceased was 42 years old. The deceased's date of birth is mentioned in the Ex. P-8 Driving License is 13.04.1971. At the time of the accident, the deceased's age was 51 years, 10 months, and 6 days. So, this Tribunal holds that the age of the deceased is 51 years on the date of the accident. So, this Tribunal considered the judgment of the Hon'ble Supreme Court held in "***Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, Civil Appeal No.3483 of 2008 dated:15.04.2009***". As per the above judgment and guidelines, the multiplier is 11 applied in this case.

(iii) Income of the deceased/Veilmuthu:

(a) As per the PW-1 evidence, the deceased was working as a Watchman in Kayathar Milk Co-operative Society and earning a sum of Rs. 15,000/- per month. As per the Ex. P-4 and Ex. P-5, the deceased earning a sum of Rs. 5900/- per month, but the petitioner has not furnished any documents to prove the income of the deceased through driving work, about a sum of Rs. 15,000/- per month. The learned counsel for the petitioners relied on the citations for fixing the notional income as

"Manusha Sreekumar & Ors. (Vs.) The United India Insurance Co. Ltd., CIVIL APPEAL No. 7593 OF 2022, Supreme Court of India"

6. Taking into consideration the afore mentioned documentary evidence concerning the deceased's income, the Tribunal concluded that he was a skilled



labourer. It was also observed that the deceased was earning from the rent he received from the room leased out to conduct fish vending business. The Tribunal opined that the deceased was a driver and accordingly fixed his monthly income at Rs. 14,000/-. Additionally, assuming that the deceased received at least Rs. 3,500/- as rent, the Tribunal calculated his final notional income as Rs. 17,500/- (Rs. 14000 + Rs. 3,500/-). The Tribunal fixed the total compensation of loss of dependency along with various other heads at Rs. 32,39,000/- and awarded interest at the rate of 9% per annum from the date of filing of petition till the realisation of awarded compensation.

As per the relied citations, the notional income was fixed from 2021 at the amount of Rs. 14,000/-. The case accident occurred in the year 2023. So, this tribunal considers that the deceased was doing self-employment and had the potential to earn a sum of Rs. 15,000/- per month. The tribunal may take the total income of the deceased is Rs. 5,900/- + Rs. 15,000/- = Rs. 20,900/- per month by the age of 51 years old, as just and proper.

(b) Calculation of the compensation:

As discussed above, this tribunal holds that the petitioners are entitled to compensation as hereunder:-

1.	Deceased's name	Mr. Veilmuthu	
2.	Deceased age	51	Reference with Ex. P- 8 Driving License
3.	Deceased employment	Watchman and Driver	Reference with Ex. P-4 and Ex. P-5
4.	Income of the deceased	Rs. 20,900/-	Notional Income
5.	Deceased's personal expenses	1/4	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
6.	Net monthly	Rs.20.900/- X 1/4 =	"Sarla Verma & Ors. (Vs.) Delhi Transport



	income for calculation	Rs. 5,225/- Rs. 20,900/- - Rs. 5,225/- = Rs. 15,675/-	<i>Corporation & Another, (2009) 6 SCC 121</i>
7.	Added the additional income from the private employment	Rs. 15,675/- X 10 % = Rs. 1,568/- + Rs. 15,675/- = 17,243/-	<i>“National Insurance Co. (Vs.) Pranay Sethi & ors., (2017) 16 SCC 680.”</i>
8.	Net Annual income	Rs. 17,243/- X 12 = Rs. 2,06,916/-	<i>“Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121”</i>
9.	Multiplier	11	<i>“Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121”</i>
10.	Loss of Income/ Loss of Dependency	Rs. 2,06,916/- X 11 = Rs. 22,76,076/-	<i>“Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121”</i>
11.	Funeral Expenses	Rs. 15,000	<i>“Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121”</i>
12.	Loss of estate	Rs. 15,000	<i>“Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121”</i>
13.	Spouse & Parental consortium	Rs. 40000 X 4 = Rs. 1,60,000/-	<i>“Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121”</i>
14.	Transport expenses	Rs. 10,000/-	<i>“Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121”</i>
	Total Income	Rs. 24,76,076/-	

As per the above calculation, the respondents, no. 1 to 3, are jointly or severally liable to pay the compensation, a sum of Rs. 24,76,076/- with proportionate interest costs to the petitioner. Thus, Point No. 3 is answered accordingly.

9. In a result, this petition is partly allowed with proportionate costs:

(1) The petitioner is entitled to get an award of Rs. 24,76,076/- in total, and the award amount shall be payable by the respondents along with the interest at the



rate of 7.5 % from the date of presentation of the petition till the date of payment.
(Excluding the period of dismissal for default, if any).

(2) Out of the above compensation amount, the 1st petitioner is entitled to Rs. 14,76,076/- and the 2nd and 3rd respondents are entitled to Rs. 3,00,000/- each and 4th petitioner is entitled to Rs. 4,00,000/- with proportionate interest and costs.

(3) The petitioner is directed to pay the balance Tribunal fee of Rs. 23,761/- within a period of 15 days, failing which they are not entitled to get interest till the payment of the court fee.

(4) As per the Judgment of the **Hon'ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025**, the tribunals are directed to pass an award by ordering the insurance company to transfer the award amount into the Bank account of the claimant after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the 1st to 3rd respondents is directed to transfer the award amount to the Claimant (s) Bank Account. The Petitioner's Account Number and IFSC Code are given as follows:-

Claimant Name	Bank and Account No.	IFSC Code
Mrs. Vallithai	Indian Overseas Bank, Kayathar	IOBA0002439



	Branch, A/c No. 243901000011160	
Mr. V. Suresh	Indian Overseas Bank, Kayathar Branch, A/c No. 243901000010836	IOBA0002439
Mr. V. Veilmuthu	Indian Overseas Bank, Kayathar Branch, A/c No. 174901000021085	IOBA0002439
Mrs. Lakshmi	Indian Overseas Bank, Kayathar Branch, A/c No. 243901000055852	IOBA0002439

(5) Advocate fee is calculated as Rs. 33,261/-. This court directs the respondent to pay the advocate's fee to the counsel for the petitioners' account.

(6) There is no need to prepare of draft the decree for this award and further all the parties are entitled to get free copies of the award as per the Section 168(2) of the Act and 20(6) of the Rules, as per order passed by the Hon'ble High Court of Madras in M/s Choolamandalam MS General Insurance Co Ltd., (Vs.) Ayyanar and others – Judgment dated: 11.05.2020 in Tr.CMP. Nos. 264 to 281 of 2020.

This order is directly dictated to the Steno-typist, typed by her in a computer, and corrected and pronounced by me in the open Court, on this the 25th day of April 2026.

MOTOR ACCIDENT CLAIMS TRIBUNAL
JUDGE/ 1st ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

Petitioners' side witnesses:

PW-1	Mr. Veil Muthu	3 rd petitioner
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PW-2	Mr. A. Veil Muthu	Eye Witness
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Petitioners' side documents:

Ex. P-1	16.02.2023	First Information Report	Photocopy
Ex. P-2	16.02.2023	Post-mortem certificate of the deceased Veilmuthu	Photocopy
Ex. P-3	16.03.2023	Legal heir certificate of the deceased Veilmuthu	Photocopy
Ex. P-4	20.03.2024	Working Certificate issued by Kayathar Milk Co-operative Society.	Original
Ex. P-5	Sep 2022	Salary List of the Kayathar Milk Co-operative Society.	Original
Ex. P-6	---	Bank Passbook of the deceased Veilmuthu	Original
Ex. P-7	---	Aadhaar card of the petitioners	Photocopy
Ex. P-8	---	Driving License of the deceased Veilmuthu	Photocopy
Ex. P-9	---	Pan card of the petitioners	Photocopy
Ex. P-10	---	Bank Passbook of the petitioners (Nos. 4)	Photocopy

Respondent side witnesses and documents: Nil

Witness side document:

Ex. X-1	---	Aadhaar card of the PW-2	Photocopy
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MOTOR ACCIDENT CLAIMS TRIBUNAL
JUDGE/ I ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

TNTL010053822024



M.C.O.P No. 875/2024

Motor Accidents Claim Tribunal
1st Additional District Court,
Tirunelveli
MCOP No. 875/2024
Draft/Fair Order
Dated: 25.04.2026