

**BEFORE THE MOTOR ACCIDENTS CLAIM TRIBUNAL / ADDITIONAL
DISTRICT JUDGE, TIRUVANNAMALAI**

PRESENT: **Tr. B.C.GOPINATH, M.L.,**
Motor Accident Claims Tribunal
Presiding Officer / Additional District Judge
Monday, the 30th day of March, 2026
M.C.O.P.No. 762/2022 & M.C.O.P.No. 763/2022

M.C.O.P.No. 763/2022 (CNR NO. TNTM01-004600-2022)

(a)	Name and address of the claimant / Petitioner (s)	<p>1. Sampath, Aged about 49 years, S/O. Elumalai,</p> <p>2. Sudha Aged about 22 years, W/O. Elamparuthi</p> <p>3. Sudhakar, Aged about 19 years, S/O. Sampath,</p> <p>4. Pachaiappan Aged about 21 years, S/O. Elumalai.</p> <p>(Amended as per order I.A.No.1/26, dated 23.03.26)</p> <p>All are residing at NO.1067, Kizh Anaimangalam Village, Thukkapet post, Chengam Taluk, Tiruvannamalai District.</p>
(b)	Name and address of the respondent (s)	The Managing Director, Karnataka State Road Transport Corporation Limited, Central Office, Bangalore, Shivamogga Division 577 201, Karnataka State.
(c)	Name and address of the Insurance Company	--

(d)	Name and address of the Transport Corporation or such other respondents who are held liable to pay	The Managing Director, Karnataka State Road Transport Corporation Limited, Central Office, Bangalore, Shivamogga Division 577 201, Karnataka State.																					
(e)	Date of filing of the claim petition	25.09.2019																					
(f)	Date of award	30.03.2026																					
(g)	Amount of award	Rs. 14,33,125/-																					
(h)	Interest rate applicable	7.5 % per annum																					
(i)	Date (s) from which interest is payable	—																					
(j)	Costs if any	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Stamp on petition</td> <td style="width: 10%; text-align: right;">Rs.</td> <td style="width: 30%; text-align: right;">80.00</td> </tr> <tr> <td>Stamp on Vakalath</td> <td style="text-align: right;">Rs.</td> <td style="text-align: right;">10.00</td> </tr> <tr> <td>Court fee</td> <td style="text-align: right;">Rs.</td> <td style="text-align: right;">13,203.75</td> </tr> <tr> <td>Advocate fee</td> <td style="text-align: right;">Rs.</td> <td style="text-align: right;">21,331.00</td> </tr> <tr> <td></td> <td></td> <td style="text-align: right;">-----</td> </tr> <tr> <td style="text-align: right;">Total =</td> <td style="text-align: right;">Rs.</td> <td style="text-align: right;">34,624.75</td> </tr> <tr> <td></td> <td></td> <td style="text-align: right;">-----</td> </tr> </table>	Stamp on petition	Rs.	80.00	Stamp on Vakalath	Rs.	10.00	Court fee	Rs.	13,203.75	Advocate fee	Rs.	21,331.00			-----	Total =	Rs.	34,624.75			-----
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Court fee	Rs.	13,203.75																					
Advocate fee	Rs.	21,331.00																					

Total =	Rs.	34,624.75																					

(k)	In cases where the compensation, interest and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	The Respondent is directed to deposit the award amount of Rs. 14,33,125/- 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 ADDITIONAL DISTRICT JUDGE MACT TIRUVANNAMALAI, STATE BANK OF INDIA, TIRUVANNAMALAI MAIN BRANCH, IFSC CODE :																					

		SBIN0000938, Account No: 42840189407 through RTGS or NEFT Mode.
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The award amount is apportioned among the petitioners. The 1 st petitioner/ claimant / Husband shall be entitled to Rs. 4,43,125 and petitioners 2 to 4 shall be entitled to Rs. 3,30,000/- each (total Rs. 9,90,000/-) with proportionate interest and costs.
m)	The mode and manner of deposit of compensation	The Respondent is directed to deposit the award amount of Rs.14,33,125/- 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 ADDITIONAL DISTRICT JUDGE MACT TIRUVANNAMALAI, STATE BANK OF INDIA, TIRUVANNAMALAI MAIN BRANCH, IFSC CODE : SBIN0000938, Account No: 42840189407 through RTGS or NEFT Mode.
(n)	The mode and manner of disbursement	40% of the award amount apportioned to the petitioners shall be invested in a nationalized bank for a period of three years and the petitioners are entitled to withdraw interest accrued periodically once in three months. The petitioners shall be entitled to withdraw the remaining 60% immediately on its deposit

(o)	Period of default to which the petitioner are not entitled for interest, if any.	--
(p)	Balance of Court fee	<p>The petitioners are directed to pay the balance court fee of Rs.13,203.75 within 2 weeks from the date of this order. The petitioners / claimants shall not be entitled to withdraw the sum deposited as per the Award till the balance of court fee is deposited.</p> <p>Advocate fee of Rs. 21,331/- shall be paid through NEFT/RTGS Mode.</p> <p>There is no interest on the award for the period of dismissal, if any.</p> <p>All the parties are entitled to free copies of the Award as per section 168(2) of the Motor Vehicles Act and Rule 20(6) of the Rules.</p>

1. Sampath,
2. Sudha
3. Sudhakar,
4. Pachaiappan

(Amended as per order in I.A.No. 1/26 dated 23.03.26)

.... Petitioners

/vs/

The Managing Director,

Karnataka State Road Transport Corporation Ltd,

Bangalore, Shivamogga.

... Respondent

M.C.O.P.No. 762/2022 (CNR NO : TNTM01-004598-2022)

(a)	Name and address of the claimant / Petitioner (s)	Sampath, Aged about 49 years, S/O. Elumalai, Residing at No.1067, Kizh Anaimangalam village, Tukkapet post, Chengam Taluk, Tiruvannamalai District.
(b)	Name and address of the respondent (s)	The Managing Director, Karnataka State Road Transport Corporation Limited, Central Office, Bangalore, Shivamogga Division 577 201 , Karnataka State.
(c)	Name and address of the Insurance Company	--
(d)	Name and address of the Transport Corporation or such other respondents who are held liable to pay	The Managing Director, Karnataka State Road Transport Corporation Limited, Central Office, Bangalore, Shivamogga Division 577 201, Karnataka State.
(e)	Date of filing of the claim petition	19.09.2019
(f)	Date of award	30.03.2026
(g)	Amount of award	Rs. 50,000/-
(h)	Interest rate applicable	7.5% per annum
(i)	Date (s) from which interest is payable	--

(j)	Costs if any	Stamp on petition – Rs. 20.00 Stamp on Vakalath – Rs. 10.00 Court fee – Rs. 122.50 Advocate fee – Rs. 1500.00 Total = Rs. <u>1652.50</u>
(k)	In cases where the compensation, interest and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	The Respondent is directed to deposit the award amount of Rs. 50,000/- 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 ADDITIONAL DISTRICT JUDGE MACT TIRUVANNAMALAI, STATE BANK OF INDIA, TIRUVANNAMALAI MAIN BRANCH, IFSC CODE : SBIN0000938, Account No: 42840189407 through RTGS or NEFT Mode.
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	On such deposit the petitioner is permitted to withdraw the entire amount with interest and costs.
(m)	The mode and manner of deposit of compensation	The Respondent is directed to deposit the award amount of Rs. 50,000/- 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 ADDITIONAL DISTRICT JUDGE MACT TIRUVANNAMALAI, STATE BANK OF INDIA, TIRUVANNAMALAI MAIN

		BRANCH, IFSC CODE : SBIN0000938, Account No: 42840189407 through RTGS or NEFT Mode.
(n)	The mode and manner of disbursement	--
(o)	Period of default to which the petitioner are not entitled for interest, if any.	--
(p)	Balance of Court fee	-- Advocate fee of Rs. 1,500/- shall be paid through NEFT/RTGS Mode. There is no interest on the award for the period of dismissal, if any.

MCOP NO. 762/2022

Sampath

.... Petitioner

/vs/

The Managing Director,
Karnataka State Road, Transport
Corporation Ltd., Bangaluru,
Shivamogga.

... Respondent

Both the claim petitions came up before me for final hearing on 20.01.2026, in the presence of Thiru. R. Suresh Advocate for the petitioners and Tr. A.S.Shabuddin Advocate for the respondent, in both the claim petitions and upon hearing the arguments on both sides and perusing the entire case records and having stood over for consideration till this day, this Tribunal passed the following.

Both the petitions were originally filed before the Special Sub Court (MCOP), Tiruvannamalai as MCOP No. 621/2019 & 629/2021 respectively. Later, the said cases were transferred to Principal District court, Tiruvannamalai in Dis.No. 7865/2022, dated 16.09.2022 and renumbered as MCOP No. 762/2022 & 763/2022 respectively, thereafter the said cases were transferred to this court.

COMMON AWARD

MCOP NO. 763/2022 :-

Claim petition U/s. 166 of the Motor Vehicle Act seeking compensation for the death of one Latha in an accident that happened on 13.06.2019.

MCOP NO.762/2022 :-

Claim petition U/s. 166 of the Motor Vehicle Act seeking compensation for the injuries sustained by one Sampath in the same accident that happened on 13.06.2019.

1) Petition averments in MCOP NO. 763/2022 & MCOP.No.762/2022 in brief is as follows:

(i) The claimant in MCOP No. 762/2022 Sampath and the deceased in MCOP No. 763/2022 named Latha are husband and wife. On 13.06.2019 at about 17.00 hours Sampath & Latha were going to their village in the two wheeler bearing Registration No. TN 25 AA 1022 , on the Tiruvannamalai to Chengam main road near Kannakurukkai Village, K.K. Nagar. They were proceeding on the left side of the road carefully. While they were nearing KK Nagar in Kannakurukkai Village, the bus bearing Registration No. KA 14 F 0020 came from behind in a rash and negligent manner (from Tiruvannamalai i.e., east to west) and dashed on the back of the deceased and motor cycle. It was driven rashly and negligently by its driver. Latha sustained multiple fractures on head injuries on right hand, left head, fore head and all over the body. Sampath (Petitioner in MCOP NO.762/2022) had sustained grievous injuries on his right forehead, right side head, right cheek, eyebrow, right knee, left knee and injuries all over the body. The injured Latha was taken to the Government Hospital, Tiruvannamalai and then to Government Vellore Medical College and Hospital, Vellore, and admitted for treatment. She was under treatment for about one week, but died on 20.06.2019. The accident happened only due to the rash and negligent manner in which the driver of the bus owned by the respondent drove. A case was registered against the driver of the respondent in Pachal police station in Cr.No. 206/2019, u/s.279, 337 and 304(A) IPC.

2) The petitioners 1 to 4 in MCOP No.763/2022 are the husband and Children of deceased Latha. The deceased was hale and healthy and was aged 49 at the time of accident. She worked as an agricultural cooli and earned not less than Rs.12,000/- per month. She is the only breadwinner of his family.

3) The petitioner in MCOP No.762/2022 Sampath was 49 years old at the time of accident and he worked an agricultural cooli and earned not less than Rs.15,000/- per month. He sustained multiple injuries on the right fore head, right side head, right cheek, eyebrow, right knee, left knee and injuries all over the body. He has also suffered permanent disability to do any work. Hence respondent is liable to pay compensation of Rs. 30,00,000/- and Rs. 1,00,000/- in MCOP No. 763/2022 and 762/2022 respectively.

4) Averments in the counter of the Respondent in MCOP No. 763/2022 & MCOP No. 762/2022 :-

The manner in which the accident has been narrated has been denied. The allegations in the petitions, the age of the petitioner / injured and deceased, the income, health and other expenses incurred have been denied as false. Petitioners have to prove that they are the legal heirs of the deceased and are entitled to claim compensation. They should also prove that no other claimant has been left out in claim compensation.

5) In MCOP No. 762/2022, the injured Sampath has stated that he is the only one of the earning person by doing agricultural work thereby he used to earn Rs.15,000/- p.m., Hence, it is very clear that the 1st petitioner was not dependant on the deceased. Hence there can be no loss of income.

6) The averment that the bus belonging to the respondent dashed from behind and it was driven negligently has been denied. That the deceased sustained multiple fractures on skull and injuries on all over the body and was taken to Tiruvannamalai Government General Hospital and then to Government Vellore Medical College Hospital and admitted for treatment and after one week, despite treatment the said Latha died on 20.06.2019 due to the injuries have to be proved. The averment that a criminal case as against the respondent's driver in Cr.No. 206/2019 u/s.279, 337 @ 304 (A) IPC by Pachal Police station was registered and the same is pending before the Judicial Magistrate Court, Chengam should also be proved.

7) The Respondent has denied that the deceased Latha was aged 40 years and was a agricultural worker and earning a sum of Rs.12,000/- per month at the time of the accident. The petitioners should also prove that Rs.50,000/- was spent for transportation to hospital and medical expenses and a sum of Rs.25,00,000/- towards loss of life, love and affection, consortium and dependency , a sum of

Rs.50,000/- towards funeral expenses etc. The compensation claimed is exaggerated and excessive.

8) On 13.06.2016 at around 05.00 P.m ., the respondent's driver was assigned duty to drive the KSRTC bearing Registration NO. KA 14 F0020 on the route from Tiruvannamalai to Shivamogga , via Bengaluru and that at the time the rider of the bike bearing Registration No. TN 5 AA 1022 with a pillion rider, suddenly rode his bike diagonally from the cross road, on the main road in a rash and negligent manner without following the traffic Rules nor gauging the movement of bus. The driver of KSRCT Bus,at that time tried to avoid a major accident by driving the bus slowly, but the bike rider was unable to control his speed and drove the bike rashly and negligently.

9) The police investigation officer without conducting proper investigation, without observing the vehicle position and nature of damages and without applying mind, colluding with petitioner and filed charge sheet against the driver of the Corporation, which is opposed to the facts, probability and circumstance of the case. The rider of the two wheeler without observing traffic rules and signals drove the two wheeler in rash and negligently and caused the accident.

10) The petitioners have not included the owner and insurance company of the two wheeler bearing Registration No. TN 25 AA 1022 alleged to have been driven by the husband of deceased at the relevant time. They are necessary parties

to the claim petition for proper adjudication of the case. Hence, the petition is liable to be dismissed for non-joinder of necessary parties to the main petition.

11) The amount of compensation claimed by claimant is highly exorbitant and without any basis. The claimant is not entitled to payment of any interest for the period of delay caused by claimant. The respondent is not liable to pay any compensation to the claimants and the petitions are liable to be dismissed.

12) During enquiry, MCOP No. 762/2022 & 763/2022 were taken up for a joint enquiry as they arose from a common accident and the evidence was recorded in MCOP. 763/2022. On the side of the petitioners, the 1st petitioner in MCOP No.762/2022 Sampath examined himself as PW1 and an eye- witness to the accident was examined as PW2. Ex.P1 to Ex.P6 were marked. On the side of the respondents, the driver of the bus involved in the accident named Puttappa was examined as RW1 and Exhibits Ex.R1 was marked and court Exhibit in Ex.C1 was also marked.

13) This court has perused the entire materials on record and considered rival submissions.

14) Now the points for consideration are:

1. Is it true that on 13.06.2019, the driver of the Karnataka Government Bus (1st respondent) bearing Registration No. KA 14 F 0020 drove it in a rash and negligent manner that caused the accident due to which Latha died and Sampath sustained injuries?
2. Who is liable to pay compensation?
3. Whether the petitioners are entitled for compensation?

If so, what is the quantum?

15) POINT NO.1

PW-1 Sampath, the 1st Claimant was examined as PW-1 on behalf of the petitioners through evidence affidavit. While being examined-in-Chief, he has spoken in conformity with the averments in the petition. During the process, he has marked the FIR, Section Alteration Report, Motor Vehicle Report, Post mortem Report, charge sheet and Wound Certificate as Exhibits P-1 to P-6 respectively.

16) The foremost aspect which has to be ascertained is whether the deceased Latha died and Sampath sustained serious injuries in a road traffic accident. Ex.P-4 is the Post Mortem certificate of deceased Latha. On perusing it, it is seen that the medical Officer who conducted Postmortem on the body of Latha at 03.45 P.M. on 20.06.2019 has opined that Latha would have died due to effects of multiple injuries sustained by her in a road traffic accident. Going by the oral evidence with regard to

the manner in which the accident took place discussed infra, the encircling facts and the opinion of the Medical Officer who conducted autopsy and examined the injured Sampath, there is no difficulty in holding that the deceased Latha died due to injuries sustained in a road traffic accident and Sampath sustained grievous injuries in nature in the same accident.

17) Negligence :

The next aspect which has to be analyzed is on negligence. According to the claimants, on 13.06.2019 the injured Sampath / PW-1/ Claimant in MCOP No. 762/2022 and his wife Latha at the pillion were proceeding in the Hero Honda Splendor Plus two wheeler of Sampath in Registration No. TN 25 AA 1022 from Chengam to his native village on the Tiruvannamalai to Chengam high road. At about 05.00 Pm., when Sampath was driving his bike on the left side of the road slowly at Kannakurukai main road, the Karnataka Government bus belonging to the respondent Transport Corporation was driven in a rash and negligent manner from behind and hit the two wheeler. PW-1 Sampath who was driving the bike and his wife Latha fell down and sustained injuries. Latha suffered serious head injuries besides injuries on her right hand and left of the head and forehead. Immediately, Latha was taken to the Tiruvannamalai Government Medical College and Hospital for first aid and thereafter shifted to Vellore Medical College and Hospital for further management. But however Latha succumbed to the injuries on 20.06.2019. Thereby

Sampath who was driving the two wheeler involved in the accident has categorically deposed that the negligent manner in which the respondent's bus came from behind and dashed against the two wheeler was the cause for the accident. During the course of his cross-examination Sampath has denied the suggestion that he suddenly swerved to the middle of the road and thereby caused the accident by his own negligence.

18) The claimants have also examined one eye-witness named Suresh as PW2 through an evidence affidavit. He also deposed that on 13.06.2019 he wanted visit the Annamalaiyar Temple at Tiruvannamalai and when he was proceeding from Manmalai to Tiruvannamalai on the Tiruvannamalai – Chengam main road, Sampath was driving his two wheeler bearing Registration No. TN 25 AA 1022 on the left extreme of the road while his wife Latha was at the pillion. Sampath observed all traffic Rules. But the Karnataka State Transport Corporation bus bearing Registration No. KA 14 F 0020 was driven by its driver in a rash and negligent manner without blowing horn and dashed against the two-wheeler driver by Sampath. Sampath and his wife fell down and sustained serious injuries. He learnt that Sampath's wife Latha died on 20.06.2019. The rash and negligent manner in which the driver of the bus bearing Registration No. KA 14 F 0020 is the only caused for the accident.

19) During the cross-examination, the counsel for the respondent was able to elicit that PW2 Suresh did not lodge any police complaint and he saw the accident from a distance of about 100 feet. He reaffirmed that the bus was driven rashly and hit the bike from behind.

20) On the other hand, the driver of the bus belonging to the respondent examined himself as RW1 and he has projected a different version. He has deposed that when he was proceeding from Tiruvannamalai to Shivamogha on the Tiruvannamalai to Chengam road, PW1 Sampath who was driving the Hero Honda Splendor Plus bike in Registration No. TN 55 AA 1022 suddenly crossed the road without showing any sign and although RW1 tried to avoid a collision by turning towards right Sampath could not control his bike. Thereby the negligent manner in which the said Sampath drove the two wheeler without proper license and helmet is the cause of the accident and hence he is the cause for the accident and the respondent should be absolved, from the liability to pay compensation.

21) During the cross-examination RW-1 Puttappa has deposed that his bus did not touch the two wheeler of Sampath. He has also stated that a lorry came from the opposite direction and the two wheeler came from behind the lorry and the accident took place. Thereby RW1 Puttappa, the driver of the bus belonging to the respondent has projected a completely different version from that of the claimants.

22) Before proceedings for their we may remained ourselves that before an Accident Claims Tribunals, the degree of proof is only on the preponderance of probabilities and not beyond reasonable doubts. On perusing the FIR in Ex.P1 it is seen that the Pachal Police as registered a case in Cr.No. 206/2019 on the complaint of PW1 Sampath against the driver of the bus bearing Registration No. KA 14 F 0020. Interestingly, RW1 Puttappa has also marked a copy of his complaint before the police as Ex.R1. However, from the final report in Ex.P5 it is seen that the Investigating Officer / Inspector of Police , Pachal Police Station stated that the driver of the bus drove it in a rash and negligent manner and hit the two wheeler driven by its Sampath and thereby alleged that Puttappa committed offences u/s.279,337, 304(A) IPC.

23) The Investigating police officer has charged the driver of Karnataka State Transport Corporation Bus in Registration No. KA 14 F 0020 of reckless driving on highway, causing death and injury.

24) In this context, we may profitably rely upon the recent case of ***Ranjeeth and Another Vs. Abdul Kayam Neb and Another (SLP © No. 10351/2019)*** decided on 25.02.2025 the Hon'ble Supreme court has held as follows ,

It is settled in law that once a charge sheet has been filed and the driver has been held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eye- witnesses are not examined,

that will not be fatal to prove the death of the deceased due to negligence of the bus driver,"

25) In this context while perusing the Motor Vehicle Report marked as Ex.P3, the Motor Vehicle Inspector who inspected the bus bearing Registration No. KA 14 F 0020 has noticed damages on the front left head side head light assembly and indicator, bumper, left side are bend and damaged and ruled out mechanical defects in the vehicle. The extensive damage on the front left side of the bus falsifies the version of RW-1 Puttappa that the bus did not touch the two wheeler. Therefore this court is inclined to discard the evidence of RW-1 Puttappa as a self-serving piece of evidence and conversely inclined to hold that Puttappa drove the bus in a rash and negligent manner as narrated by PW1-Sampath and PW2 Suresh and the point is answered accordingly.

26) The above discussion culminates in holding that the accident happened only due to the rash and negligent driving of the driver of the bus / RW-1 Puttappa who drove the bus bearing Registration No. KA 14 F0020. The point no.1 is answered accordingly.

27) POINT NO.2:-**LIABILITY :-**

There is no dispute over the fact that the offending vehicle i.e., Karnataka State Road Transport Corporation Bus bearing Registration NO. KA.14 F 0020 belongs to the respondent / Managing Director of Karnataka State Road Transport Corporation Bus. It is exempted from insured or in other words it is an self-insured vehicle. Therefore in the event of liability being fixed on the respondent, the respondent Transport Corporation bus is liable to pay the compensation. In this context the Ld. Counsel for the respondent submitted that claim petition is bad without impleading the owner and insurer of the two wheeler bearing Registration No. TN 25 AA 1022. It is pertinent to point out that the respondent had earlier filed a petition in I.A.No. 2/2023 to implead the owner of the two wheeler as 2nd respondent to the claim petition. It was dismissed on 21.04.2025 holding that the claimant is the dominus-litus and the claimant can maintain a claim petition againsts respondent of their choice at their own risk. In this context, this tribunal has already held that the accident took place only due to the rash and negligent driving of the RW1 Puttappa the driver of the bus belonging to the respondent. Therefore, having held that the respondent's vehicle is the offending vehicle and RW-1 is the tort-feasor, the owner of the two wheeler not being impleaded as a party is of no consequence. As negligence has been attributed only to RW1 Puttappa, the

respondent being the owner of the vehicle is vicariously liable to pay the compensation for the death of Latha and injury sustained by Sampath in the accident. The point is answered accordingly.

28) POINT 3:

QUANTUM OF COMPENSATION :

IN MCOP NO. 763/2022

AGE :

According to the petitioners, the deceased Latha was 49 years old at the time of the accident. No document has been filed to establish the age of Latha. The Post Mortem Certificate in Ex.P-4 indicates the age of the deceased as 49 years. Hence there is no difficulty in fixing the age of the deceased as 49 years for the purpose of computation of compensation. As per the decision of Hon'ble Supreme Court in *Sarala Verma & others /vs/ Delhi Transport Corporation and another, 2009 (2) TNMAC 1 (SC)*, the applicable multiplier is 13 and the same is adopted.

29) Occupation and Income of the deceased.

The petitioners allege that the deceased Latha was an agricultural coolie and earned not less than Rs.12,000/- per month. However, the claimants have not produced any document to show that the deceased was actually doing such work. When there is no clinching evidence to show the income of the deceased,

this Tribunal has to fix a notional income during the relevant period. The accident took place on 13.06.2019. The fair minimum wage fixed by Government was around Rs.300/- per day. Being a coolie, the deceased would have easily earned around Rs.250/- per day. Having regard to the relevant factors such as the age of the deceased, her earning capacity, this Tribunal is of the view it would appropriate to fix the notional income of the deceased Latha at Rs.8,500/- per month. Accordingly, the notional income is fixed at Rs. 8,500/- per month for the purpose of calculating the compensation.

30) Future Prospects:

The Hon'ble Supreme Court in **National Insurance Company /vs/ Pranay Sethi 2017 (2) TNMAC 609** has held that, there should be an Addition for Future Prospects at **25%** if the age of the deceased is between 40 – 50. In the present case the deceased was aged 49 years and self-employed at the time of accident. She might have earned more in future according to price index. Hence considering his age and guided by the case referred above, this tribunal awards **25%** of the Notional income as Future Prospects.

31) DEDUCTION OF PERSONAL AND LIVING EXPENSES:

The petitioners 1 to 4 are the only Legal Heirs of the deceased Latha. *In the case of Iffco Tokio General Insurance Co., Ltd., Tulasi Chambers, R.S.Puram, Coimbatore .vs. P. Chandira & 6 others 2015(1) TN MAC 301*, the Hon'ble High

Court has held that legal heirs are entitled to claim compensation. The 1st petitioner is the husband of the deceased and petitioners 2 to 4 are the children of deceased Latha. Though 1 or 2 might have been married and settled, the concept of dependency is something locky. Hence they are held to be dependants of deceased Latha. As per the dictum in **Sarla Verma's case**, when the number of dependent family members are 4 to 6, then $\frac{1}{4}$ th has to be deducted for personal expense. In the present case, there are 4 dependents, hence deduction for personal living expense is **1/4th** .

32) CONSORTIUM

The Hon'ble Supreme Court in the case of *Magma General Insurance Co., Ltd., vs Nanu Ram Alias Chuhru Ram and others (2018) 18 SCC 130* has held as follows:-

“ Filial consortium is the right of the parents to compensation in the case of accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for parent is to lose their child during their life time. Children are valued for their love, affection, companionship and their role in the family unit.

Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world over have recognized that the value of a child's consortium far exceeds the economic value of the

compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

*The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parents has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of Filial Consortium. In the case of **United India Insurance Company Ltd., /vs/ Satinderkaur @ Satinder Kaur & others 2020(2) TNMAC 150** the 3-Judge Bench of the Hon'ble Supreme Court reaffirmed this view on consortium.*

33) The 1st petitioner being the husband of the deceased, lost her wife and hence he is entitled to Spouse Consortium. The Petitioners 2 to 4 being children of the deceased, lost their mother and hence they are entitled to Parental Consortium. This Court, following the above decision awards a sum of **Rs.40,000/- each (4x40,000=1,60,000/-)** to the petitioners towards Spouse and Parental Consortium.

34) LOSS OF ESTATE & FUNERAL EXPENSES:

Further, as per the decision of the Hon'ble Supreme Court in Pranay Sethi case, this Court awards a sum of Rs.15,000/- under the Head “Loss of Estate” and Rs.15,000/- towards “Funeral Expenses”.

35) Therefore, applying the principle laid down by the Hon'ble Supreme Court, the petitioners in MCOP No.763/2022 are entitled to compensation as computed below, which, in the view of this Tribunal is just and fair.

Sl.No.	HEADS	CALCULATION
(i)	Annual Income = Rs. 8,500 /- X 12 =	1,02,000.00
(ii)	After deducting 1/4 of the total income for personal expenses, the balance will be = (Rs. 102000– Rs. 25500)	76,500.00
(iii)	Add 25% towards increase in future income = i.e. (76,500 + 19,125)= 95,625/-	95,625.00
(iv)	Loss of Income after multiplier of 13 is applied = (Rs.95,625 x 13) =	12,43,125.00
(v)	Consortium (40,000 x 4=)	1,60,000.00
(vi)	Loss of Estate	15,000.00
(vii)	Funeral Expenses	15,000.00
(viii)	TOTAL COMPENSATION AWARDED [(iv) + (v) + (vi) + (vii)]	14,33,125.00

The total compensation amount determined is Rs. 14,33,125/- (Rupees Fourteen Lakhs and Thirthy Three Thousand and One Hundred and Twenty Five only).

36) APPORTIONMENT OF COMPENSATION :-

The 1st claimant is the husband and 2 to 4 claimants are the children of the deceased. Hence the husband of the deceased shall be entitled to Rs. 4,43,125/- with proportionate interest and costs. The claimants 2 to 4, who are the children of the deceased are entitled to Rs. 3,30,000 *-each* (Total Rs. 3,30,000 x 3 = 9,90,000/-) with proportionate interest and costs.

37) Point No.2 :- (MCOP NO.762/2022)

The petitioner Sampath in MCOP No. 762/2022, alleges that he sustained grievous injuries in the accident. Ex.P-6 is the Accident Register, issued by Assistant Surgeon Government Medical College Hospital, Tiruvannamalai. Ex.P-6 reveals that, the petitioner Sampath sustained a laceration of 5x2x0.5 cm on the forehead and CT Scan of facial bones did not show any significant abnormality. He opined that the injury is grievous in nature. The Medical records further show that Sampath was admitted on 13.06.2019 and discharged the next day (14.06.2019). The petitioner was also referred to Medical Board for assessment of Disability. The Medical Board, Tiruvannamalai examined Sampath and issued by the Medical Board is marked as Ex.C1, shows that it is a soft tissue injury and the total permanent disability suffered by him is 1% and there is no functional disability. Going by the nature of injury coupled with the fact that the petitioner is an

agricultural labourer, this Tribunal is of the view that he suffered no functional disability.

38) The petitioner would have required nutritious food and extra nourishment for speedy recovery, Hence Rs. 10,000/- is awarded towards Extra Nourishment. The petitioner would have also requirement the services of an attender. Hence a sum of Rs.5000/- is awarded towards Attender Charges. A sum of Rs.10,000/- is awarded towards Loss of Amenities. As the petitioner would have suffered from heavy pain due to the injuries, Rs.20,000/- is awarded towards Pain and suffering. Though no Bills have been produced, Rs.5000/- is awarded towards Transportation charges. The petitioner has not produced any materials for Award under any other Head. Hence the total compensation is Rs.50,000/-

39) In total, the petitioner Sampath is awarded with a sum of Rs. 50,000/- as compensation under different Heads are mentioned below.

Sl.NO.	HEADS	Amount
1	Pain and Suffering	Rs. 20,000.00
2	Extra Nourishment	Rs. 10,000.00
3	Attender Charges	Rs. 5,000.00
4	Loss of Amenities	Rs. 10,000.00
5	Transportation charges	Rs. 5,000.00
	Total	Rs. 50,000.00

40) MCOP NO. 763/2022

In the result, the petition is allowed in part, with costs, on the following terms:-

1) The Respondent is directed to deposit the award amount of Rs. 14,33,125/- 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 ADDITIONAL DISTRICT JUDGE MACT TIRUVANNAMALAI, STATE BANK OF INDIA, TIRUVANNAMALAI MAIN BRANCH, IFSC CODE : SBIN0000938, Account No: 42840189407 through RTGS or NEFT Mode.

2) The award amount is apportioned among the petitioners. The 1st petitioner/ claimant / Husband shall be entitled to Rs. 4,43,125 and petitioners 2 to 4 shall be entitled to Rs. 3,30,000/- each (total Rs. 9,90,000/-) with proportionate interest and costs.

3) 40% of the award amount apportioned to the petitioners shall be invested in a nationalized bank for a period of three years and the petitioners are entitled to withdraw interest accrued periodically once in three months. The petitioners shall be entitled to withdraw the remaining 60% immediately on its deposit.

4) The petitioners are directed to pay the balance court fee of Rs. 13,203.75 within 2 weeks from the date of this order. The petitioners / claimants

shall not be entitled to withdraw the sum deposited as per the Award till the balance of court fee is deposited.

5) Advocate fee of Rs. 21,331/- shall be paid through NEFT/RTGS Mode.

6) There is no interest on the award for the period of dismissal, if any.

7) All the parties are entitled to free copies of the Award as per section 168(2) of the Motor Vehicles Act and Rule 20(6) of the Rules.

8) No decree is prepared in view of the Judgment of the Hon'ble High Court Madras in Ms. Chola Mandalam General Insurance Company Ltd Vs. Ayyanar and others reported in 2020 (4) CTC 272.

41) MCOP NO. 762/2022

In the result, the petition is allowed in part, with costs, on the following terms:-

1) The Respondent is directed to deposit the award amount of Rs. 50,000/- 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 ADDITIONAL DISTRICT JUDGE MACT TIRUVANNAMALAI, STATE BANK OF INDIA, TIRUVANNAMALAI MAIN BRANCH, IFSC CODE : SBIN0000938, Account No: 42840189407 through RTGS or NEFT Mode.

2) On such deposit the petitioner is permitted to withdraw the entire amount with interest and costs.

3) Advocate fee of Rs. 1,500/- shall be paid through NEFT/RTGS Mode.

4) There is no interest on the award for the period of dismissal, if any.

5) All the parties are entitled to free copies of the Award as per section 168(2) of the Motor Vehicles Act and Rule 20(6) of the Rules.

6) No decree is prepared in view of the Judgment of the Hon'ble High Court Madras in *Ms. Chola Mandalam General Insurance Company Ltd Vs. Ayyanar and others reported in 2020 (4) CTC 272.*

Dictated to Steno-Typist, typed by her in computer, then corrected and pronounced by me in open court, on this the 30th day of March 2026.

Motor Accidents Claims Tribunal Judge /
Presiding Officer / Additional District Judge,
Tiruvannamalai.

List of Witnesses and documents:

Petitioners side witnesses:

PW.1 - Sampath

PW.2 - Suresh

Petitioners side documents:

Ex.P1 – Online copy of FIR,

Ex.P2 - Online copy of Section Alteration Report

Ex.P3 - Online copy of Motor Vehicle Inspector's report

Ex.P4 - Online copy of Postmortem Report

Ex.P5 – Online copy of Final Report

Ex.P6 – Accident Register

Respondents side witnesses :

RW1 : Puttappa

Respondents side Exhibits

Ex.R1- 21.06.2019 Copy of Complaint

Court Exhibits :-

Ex.C1 – 08.01.2023 Disability Certificate

Motor Accident Claims Tribunal Judge/
Presiding Officer / Additional District Judge
Tiruvannamalai.