

BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, CHEYYARPrincipal Subordinate Judge, Cheyyar.Present: **Thiru.N. Suresh, M.L.,****Tuesday, the 17th day of March 2026**

Orders reserved on 13.03.2026		Orders Pronounced on 17.03.2026
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M.C.O.P No.32 of 2014.
CNR No.TNTM04-000-560-2014

1. Nagammal,
W/o. (late) Thatha,

2. Jothi,
W/o. Rajendran, D/o. (late) Thatha,

3. Tamilselvi,
W/o.Sathiyamoorthi,
D/o. Late Thatha,

4. Krishnamoorthi,
S/o.late Thatha,

5. Tamilarasi,
D/o.late Thatha,

All are residin at:

Mariamman Koil Street,
Thumbai Village Colony,
Cheyyar Taluk,
Tiruvannamalai District.

.... Petitioners

/Vs /

The Managing Director,
Tamil Nadu State Transport Corporation,
Head Office,
Villupuram Division - IV Limited,
Thenimalai, Tiruvannamalai,
Tiruvannamalai District.

..... Respondent

This petition came up before this Tribunal for final hearing on **13.03.2026** in the presence of **Selvi.T.G.Selvi**, Counsel for the Petitioner and **Mr. K.Aranganathan** counsels for Respondent and on hearing the arguments on the side of the Petitioner and the Respondent counsel and upon perusal of the entire case records and this petition having stood over for consideration till this day, this Tribunal delivered the following:

ORDER

1. The Petitioners have filed this petition under Section 166 of the Motor Vehicles Act and Rule 3 of the M.A.C.T. Rules, to claim compensation of **Rs.9,00,000/-** for the fatal accident relating to the death of **Mr.Thatha**.

2. The averments in the Petition in brief are as follows:

2.1.On 29.01.2014, at about 10:45 a.m., the deceased, namely Thatha, was walking slowly along the left side of the road on the Cheyyar–Kanchipuram Road, near the Irumanthangal Bus Stop. At that time, a bus belonging to the Tamil Nadu State Transport Corporation, bearing Registration No. TN-32 N-2916, operating on Route No. 240, was proceeding from Cheyyar towards Kanchipuram. The driver of the said bus drove the vehicle at a high speed and in a rash and negligent manner, without sounding the horn, and dashed against the deceased from behind.

2.2. Due to the impact of the accident, the deceased sustained severe injuries on the left side of his head and left eyebrow, and bleeding from his mouth and nose. The injured was immediately taken to the Government Hospital Cheyyar for first aid treatment and was thereafter referred to the Rajiv Gandhi Government General Hospital for further treatment. However, despite the treatment given, the deceased succumbed to the injuries on the same day. Subsequently, a post-mortem examination was conducted on the body of the deceased at the said hospital.

2.3. The accident occurred solely due to the rash and negligent driving of the driver of the Government Transport Corporation bus involved in the accident, and as a result of the said accident, the deceased lost his life.

2.4. Prior to the accident, the deceased was hale and healthy. He was working as a construction labourer and was earning a monthly income of Rs.10,000/-, which he contributed towards the maintenance of his family. Due to the sudden demise of the deceased, the petitioners have lost his love, affection, guidance, and financial support. The first petitioner, being the wife of the deceased, has also been deprived of her conjugal companionship. Thus, the petitioners have suffered irreparable loss and hardship in all aspects of their lives.

2.5. On the date of the accident, the driver of the offending Government bus possessed a valid driving licence, and the said bus belongs to the Respondent Transport Corporation. Hence, the Respondent is vicariously liable to pay compensation to the petitioners for the death of the deceased.

2.6. Therefore, the petitioners most respectfully pray that this Hon'ble Court may be pleased to direct the Respondent to pay a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) as compensation to the petitioners, together with interest at the rate of 12% per annum from the date of filing of the petition till the date of realization, along with costs of the petition.

3. The averments in the counter statement filed by the Respondent in brief are as follows:

3.1. The Petition filed by the petitioner for the claim of compensation is devoid of merits and facts. The petition is not maintainable in law and on facts and it is liable to be dismissed in limine.

3.2. The Respondent submits that none of the allegations in several columns of the petition is admitted and the petitioner is put to strict proof thereof.

3.3. This respondent denies the allegation that the driver of this respondent was rash and negligent at the time of accident and caused the accident. The driver of this respondent drove the vehicle with due care and caution observing traffic rules. He was not rash and negligent at the time of accident.

3.4. The allegations made in Column 23 of the petition are false and denied. The manner of accident as alleged by the petitioner is not correct. The true facts are as follows:- கடந்த 29.01.2014 அன்று பேருந்து எண் TN32N2916 தடம் எண் 240/A யை செய்யாரில் இருந்து சென்னை நோக்கி சென்று கொண்டு இருக்கும்போது இரும்பந்தாங்கல் பேருந்து நிறுத்தத்தை மெதுவாக கடக்கும் போது எதிர் திசையில் தனியார் பேருந்தில் இருந்து பயணி ஒருவர் இறங்கி தனியார் பேருந்தின் பின் பகுதியிலிருந்து கழக பேருந்து வருவதை கவனிகாமல் சாலையை கடக்க முற்படுவதை அறிந்த கழக ஓட்டுநர் சடன் பிரேக் அடித்து பேருந்தை நிறுத்தினார் இருப்பினும் போதிய இடைவெளி இல்லாத காரணத்தினால் லேசாக உரசி நின்றது அதன் காரணமாக பாதசாரி கிழே விழுந்து விபத்தினை ஏற்படுத்திக்கொண்டார். இவ்விபத்து சாலையை கடக்கும் போது இருபுறமும் வாகனம் வருகிறதா என்று பார்க்காமல் தனியார் பேருந்தின் பின்புறம் மறைவில் இருந்து திடீர் சாலையை கடந்த பாதசாரியே இவ்விபத்திற்கு காரணமேயன்றி கழக ஓட்டுநர் மீது எந்தவித தவறும் இல்லை. எனவே மனுதாரருக்கு எத்த விதமான நட்ட ஈடும் கொடுக்க எதிர் மனுதாரர் கடமைபட்டவர் அல்லர், எனவே மனுதாரின் மனுவை செலவுத்தொகையுடன் தள்ளுபடி செய்திட எதிர்மனுதாரர் வணக்கமாய் பிரார்த்திக்கிறார்,

3.5. Without prejudice to the above contention, the respondent does not admit the age, occupation, monthly income of the deceased. The petitioners are also put to

strict proof that they are the only legal heirs of the deceased put to strict proof of the same by documentary evidence. The petitioners are put to strict proof of the same by documentary evidence. The Petitioners are also put to strict proof that are the only legal heirs of the deceased.

3.6. The respondent submits that the averments in Columns 11,12,13 are hereby denied.

3.7. The particulars of claim mentioned in Column 21A of the petition are false and denied. They are made without any basis. The amounts claimed at various heads are not admitted.

3.8. This respondent submits that the petitioners being the major (living independently) are not the legal heirs of the deceased and not dependent on the deceased and they are not entitled to claim compensation.

3.9. This respondent submits that the amount claimed by the petitioners is excessive and disproportionate to the loss caused due to the accident and dependency.

3.10. The amount claimed for consortium and loss of love and affection is also excessive which cannot exceed Rs.5,000/- and Rs.10,000/- respectively as per the decisions laid down by High Court, Madras Judgement dated 19.10.2004 in CMA NO.3043 of 2004.

3.11. The Supreme Court of India in Uthra Pradesh Road Transport Corporation and another - Vs - Trilok Chandra and others reported in 1996 ACJ 831 held that the Tribunals cannot go by the ready reckoner it can only be used as a guide. Multiplier cannot in all cases be solely dependent on the age of the deceased. Age of parents is

also relevant for the death of a bachelor. Conventional damages should not be more than Rs.10,000/- 2003 ACJ 2152.C.(D.B.)

3.12. In Bhagavathy Vs- Thiruvalluvar Transport Corporation Ltd., the Madurai Bench of Madras High Court (D.B.) His Lordship Justice P.K.Misra and Prabaha Sridevan JJ has held that for non earning members notional annual income of Rs.15,000/- is to be fixed while awarding compensation. Compensation awarded should be fair compensation, fair both to victim and to tort feisor. CMA No.803 of 1997 2005 (5) CTC 745.

3.13. The claim made in Column No.21 (A) Part I of the claim petition towards transport, extra nourishment, other expenses is not maintainable in law as per the decision reported in 2005 ACJ 1992. The High Court of Sikkim in United India Insurance Company Ltd., and another -Vs- Chandi Raj and another reported in 2005 ACJ 1992. His Lordship Justice A.P.Subba has held that claim for compensation under the heads Transportation charges, extra nourishment, damages to clothing and articles is not admissible. (1996 Act 831 (SC) 2002 ACJ 1441 (SC)

3.14. It is submitted that as per the Ruling of Supreme Court of India reported in 2003 (3) S.C. cases 143 Abati Baghruah -Vs- Deputy Director General Geological Survey of India & another, it was decided that interest eligibl shall be only at current prevailing rate as per Reserve Bank of India guidelines in the even of this O.P. leading to any award passed by this Hon'ble Court.

3.15. In the event of this Hon'ble Tribunal holding that the driver of this Respondent it also responsible and passing award payable by this Respondent, the rate of interest may be fixed as stated supra.

3.16. The other allegations in the petition, except those that are specifically admitted herein are all hereby denied and the petitioner has to prove same with proper evidence both oral and documentary.

3.17. The respondent reserves his right to file additional counter, if necessary.

3.18. This respondent therefore, Prays that this Hon'ble Court may be pleased to dismiss the claim petition with cost of this respondent.

4. Points for Consideration:

1	Whether the accident was due to the rash and negligent driving of the Government Bus bearing registration No. TN-32-N-2916?
2	Whether the Petitioners are entitled to get any compensation?
3	Who is liable to pay compensation?
4.	What is the quantum of the compensation that the Petitioners are entitled to?

5. To prove the case of the Petitioners, the 2nd Petitioner has examined himself as PW1 and exhibits Ex.P1 to Ex.P5 were marked through PW1 and Mr.Mari, Eye Witness was examined as PW2. On the side of the Respondents no witness were examined and no Exhibits were Marked.

6. The oral and the documentary evidence produced in the case were perused and the arguments advanced on either side heard.

7. Point No.1

(a) Upon considering the pleadings of both parties and the oral and documentary evidence available on record, this Tribunal proceeds to determine the manner in which the accident occurred.

(b) In the present case, the petitioners have examined **P.W.1 – Krishnamoorthi**, the 4th petitioner, and **P.W.2 – Mari**, an eye-witness to the occurrence. P.W.2 has

categorically deposed that on **29.01.2014 at about 10.45 a.m., near Irumanthangal Bus Stop on the Cheyyar–Kanchipuram Road**, the deceased was walking on the left side of the road and at that time the Government bus bearing Registration No. **TN-32-N-2916**, coming from Cheyyar towards Kanchipuram, was driven at a high speed and in a rash and negligent manner and dashed against the deceased from behind. The said evidence has not been shaken in the cross-examination.

(c) Further, the petitioners have marked **Ex.P1 – FIR**, which was registered by the Cheyyar Police in **Crime No.31/2014** against the driver of the Government bus. The contents of the FIR clearly disclose that the accident occurred due to the negligent driving of the bus driver.

(d) Moreover, **Ex.P5 – Final Report filed by the Police** also implicates the driver of the Government bus as the accused for having caused the accident by his rash and negligent driving. The police, after investigation, have filed the final report against the bus driver, which probabilises the case of the petitioners.

(e) The **Motor Vehicle Inspector's Report (Ex.P4)** also shows that the accident involved the Government bus bearing the said registration number and there is no material on record to indicate any mechanical defect in the vehicle which could have contributed to the accident.

(f) Though the respondent Transport Corporation has denied negligence and contended in the counter statement that the pedestrian attempted to cross the road suddenly from behind another bus, it is pertinent to note that **the respondent has not examined the driver of the bus or any other witness** to substantiate the said plea. No documentary evidence has also been produced on the side of the respondent to rebut the version put forward by the petitioners.

(g) In motor accident claim cases, the standard of proof is **preponderance of probabilities and not proof beyond reasonable doubt**. In the present case, the oral testimony of the eye-witness (P.W.2), coupled with the documentary evidence such as

FIR (Ex.P1) and Final Report (Ex.P5), clearly establishes that the accident occurred due to the rash and negligent driving of the driver of the Government bus.

(h) In the absence of any contra evidence from the respondent side, this Tribunal finds no reason to disbelieve the evidence adduced by the petitioners.

(i) Therefore, this Tribunal holds that the accident occurred due to the rash and negligent driving of the driver of the Government Bus bearing Registration No. TN-32-N-2916. Accordingly, Issue No.1 is answered in favour of the petitioners.

8. Point No.2

(a) Upon perusal of **Ex.P3 – Post-mortem Certificate**, it is evident that the deceased had sustained multiple injuries and that the death had occurred due to the said injuries. It is not in dispute that the deceased died on account of the injuries sustained in the motor accident.

(b) Further, **Ex.P1 – First Information Report** and **Ex.P2 – Death Report** clearly reveal that the deceased died on **29.01.2014** following the accident. These documents substantiate the fact that the death of the deceased was a direct consequence of the injuries sustained in the said motor accident.

(c) It is also seen from the records that **the first petitioner is the wife of the deceased; the second, third and fifth petitioners are the daughters of the deceased; and the fourth petitioner is the son of the deceased**. Hence, they are the legal heirs of the deceased and are entitled to maintain the present claim petition.

(d) In view of the above-said facts and circumstances, the petitioners are entitled to compensation. The point is answered in favour of the petitioners.

9. Point No.3

(a) It is not in dispute that the driver of the Government Bus bearing Registration No. **TN-32-N-2916** was employed by the respondent Transport Corporation at the time of the accident. The said vehicle admittedly belongs to the respondent Corporation. Therefore, when the accident occurred due to the rash and negligent driving of the driver of the said bus in the course of his employment, the respondent Corporation, being the owner of the vehicle and employer of the driver, is **vicariously as well as statutorily liable** to pay compensation to the petitioners.

(b) Accordingly, this Tribunal holds that the **respondent is liable to compensate the petitioners for the death of the deceased**, and the point is answered in favour of the petitioners.

10. Point No.4

(a) In a case of this nature where the person dies in a motor accident and his/her legal heirs claim compensation, guidelines have been framed by the Hon'ble Supreme Court in *Sarala Verma(Smt.) and Others vs. Delhi Transport Corporation and another* [(2009) 6 SCC 121] and *National Insurance Company Limited vs. Pranay Sethi and Others* (AIR 2017 SC 5157) for assessment of compensation. It was observed in *Sarala Verma (Smt.) and Others vs. Delhi Transport Corporation and another* that basically only three facts need to be established by the claimants for assessing compensation in the case of death and they are, (a) the age of the deceased, (b) the income of the deceased, and (c) the number of dependents, and that the issues to be determined by the Tribunal to arrive at the loss dependency are, (i) the additions/ deductions to be made for arriving at the income, (ii) the deduction to be made towards the personal and living expenses of the deceased, and (iii) the multiplier to be applied with reference to the age of the deceased. Keeping these guidelines in mind, this Tribunal proceeds to assess the loss of dependency.

(i) Age of the deceased

In the petition, the age of the deceased is mentioned as 48 years, The petitioner has not produced to prove his age, Ex.P2 is the post mortem certificate age is mentioned as 48 years, Ex.P3 is the death certificate age is mentioned as 48 years, the age of the deceased is determined as 48 years, and accordingly, for the purpose of computing compensation towards loss of dependency, the age of the deceased is determined as 48 years.

(ii) Annual income of the deceased

(a) In the petition, the deceased was working as Construction worker as Rs.10,000/- per month. No document was produced to prove the income of the deceased. Eventhough considering the above facts and circumstances and socio economic condition, the monthly income of the deceased has fixed Rs.7000 /- and the annual income would come Rs.84,000/-. It is not contended by either of the parties that the deceased paid income tax during the period of accident and therefore, no income tax deduction is made.

(iii) Future Prospects

The Hon'ble Supreme Court has in *National Insurance Company Limited vs. Pranay Sethi and Others*, cited supra, held that an addition of 25% may be made to the income of the person, who was on employed in a company and was between the age of 40 to 50 years. Therefore, as the age of the deceased was 48 years at the time of accident, 25% of actual salary has to be added to the monthly income of the deceased towards future prospects. Therefore, the annual income of the deceased would be Rs1,05,000./- (Rs.84,000 + 25% thereof).

(v) Multiplier and Total Loss of Dependency:

In so far as the determination of the appropriate multiplier is concerned, this Tribunal is guided by the principles laid down by the Hon'ble Supreme Court in *Sarla Verma (Smt.) and Others v. Delhi Transport Corporation and Another*, wherein a

structured formula has been prescribed for selection of multiplier based on the age of the deceased. As per the said judgment, for a deceased aged 48 years, the appropriate multiplier is “13”.

In the present case, as already determined, the annual contribution of the deceased to the family is Rs.1,05,000/-. By applying the multiplier of 13, the total loss of dependency works out to Rs.13,65,000/- (Rs.1,05,000/- $\times$ 13).

Further, considering that there are five dependants, one-fourth (1/4) of the income is to be deducted towards the personal and living expenses of the deceased. After such deduction, the net loss of dependency payable to the petitioners is calculated at Rs.10,23,750/-.

Accordingly, the compensation under the head “loss of dependency” is fixed at Rs.10,23,750/-.

(vi) **Loss of estate and funeral expenses**

The Hon’ble Supreme Court has envisaged that under the conventional heads, namely loss of estate and funeral expenses, a sum of Rs.15,000/- each may be awarded. Therefore, Rs.15,000/- each towards loss of estate and loss of funeral expenses is awarded to the petitioners.

(vii) **Loss of love and affection**

By the death of their son and brother the petitioners lost their child, and lost the love and affection the deceased would have shown to them and they would have got from him. Though the loss of love and affection to the petitioners, cannot be quantified, this Tribunal feels that a sum of Rs.40,000/- to each of the petitioners may be awarded, and accordingly, the same is awarded.

(viii) **Transportation expenses**

It may be noted that the petitioners would have incurred expenses to take the deceased from the Hospital to his home. Hence, a sum of Rs.5,000/- may be awarded towards transportation expenses.

(ix) In view of the discussion made above, the compensation under various heads is as follows:-

Loss of dependency	- Rs. 10,23,750/-
Loss of estate	- Rs. 15,000/-
Funeral expenses	- Rs.15,000/-
Loss of love and affection	- Rs. 40,000/-
Transportation expenses	- Rs. 5,000/-
Total	- Rs.10,98,750/-

(x) “Though this Court has determined the compensation at **Rs.10,98,750/-** as just and compensation, the petitioners have restricted their claim to **Rs.9,00,000/-**. Therefore, the petitioners are awarded a sum of Rs. **9,00,000/- (Rupees Nine Lakhs only)** as compensation a.s prayed for

(xi) This Tribunal has fixed the compensation total award amount Rs **Rs..10,98,750/**. At the same the petitioner claimed only **Rs.9,00,000/- (Rupees Nine Laksh)**. Hence, this petition is allowed as prayed for the petitioner.

11. Pursuant to the directions of the Hon'ble High Court of Madras in CMA No.428/16 dated 11.03.2016 reported in 2016(1) TNMAC 433(DB), the petitioners have produced a copy each of the first page of their bank pass books and Aadhar cards, and the PAN card to this Tribunal.

12. (i) In the result, (i) the petition is allowed with proportionate costs against the respondent for the compensation of **Rs. Rs.9,00,000/- (Rupees Nine Laksh)**. including interim award passed if any, payable with interest at 7.5% per annum from the date of numbering of the petition, i.e. 05.03.2014, till the date of realisation. The respondent is liable to pay the compensation and is, therefore, directed to deposit the said compensation amount to the credit of the bank account of this Tribunal, i.e. **State**

Bank of India, Cheyyar branch A/c No.42830986925, IFSC code No. SBIN0000267, MICR No.600002212, directly by NEFT or RTGS mode, directly by NEFT or RTGS mode, within a period of two months from the date of this order and intimate the said deposit details to this Tribunal with a copy of the bank advice. No interest is awarded for the period, when the petitioner defaulted, as per the orders, if any.

(ii) The apportionment of the compensation amount of **Rs. Rs.9,00,000/- (Rupees Nine Laksh)**. is as follows: The first petitioner, the wife of the deceased, will get Rs.5,00,000/-, and second, third and fifth petitioners the daughters of the deceased will get Rs.1,00,000 /- each. fourth petitioner the son of the deceased will get Rs.1,00,000/-.

(iii) After deposit of the compensation amount by the respondent, the share amount of the 1 to 5 petitioners shall be deposited in any one of the nationalized banks for a period of three years, and thereafter, it shall be deposited in the petitioner's 1 to 5 bank account.

(iv) The particulars of the petitioner's bank accounts and Aadhar cards, and the PAN card are furnished below:-

Petitioner name	Bank Name&Branch	Bank A/c details and IFSC code	Aadhar card No	Pan Card No
Nagammal,	Nil	Not produced	Not produced	Not produced
Jothi	Nil	Not produced	Not produced	Not produced
Tamilselvi	Nil	Not produced	Not produced	Not produced
Krishnamoorthy	Nil	Not produced	Not produced	Not produced
Tamilarasi,	Nil	Not produced	Not produced	Not produced

(v) In view of the directions issued by the Hon'ble Division Bench of the Madras High Court in C.M.A.No.428 of 2016 dated 11.03.2016, Petitioners 1st to 5th

petitioners are hereby directed to furnish a self-attested copy each of their PAN cards, to this Tribunal, within a period of one month from today.

(vi) Court fee paid along with the petition is Rs.500/-. Court fee for the award amount is Rs. 8372.50p. for the petition. Advocate fee is Rs.16000/-. The Decree shall be drafted on payment of Additional Court fee of a sum of Rs.7872.50.

Other necessary particulars:

Date of Presentation of petition	-	04.03.2014
Date of taken up on file	-	05.03.2014
Compensation claimed in the M.C.O.P.	-	Rs.9,00,000/-
Compensation awarded in this petition	-	Rs.9,00,000/-
Court fee paid along with the petition	-	Rs.500/-
Court fee payable on the award amount	-	Rs.8372.50/-
Additional court fee shall be paid	-	Rs.7872.50.

That the respondent do pay to the petitioner a sum of Rs.24407.50/- towards the costs of this petition.

Cost List for the petitioner

STATEMENT OF COSTS

<u>For the petitioners</u>			<u>For the Respondents</u>		
	<u>Rs.</u>	<u>P.</u>	<u>Rs.</u>	<u>P.</u>	
Stamp on petition	-	8372		50	
Stamp on Vakalat	-	10		00	
Stamp for process	-	25		00	-- not filed --
Advocate fees		16000		00	
Costs allowed	-	24407		50	

The direction regarding copy of the Judgment and decretal order prepared under Sub rule 6 of Rule 20 of TNMAC Rules, 1989, and Hon'ble Madras High Court's communication in R.O.C.No.390-A/2014/F1 dated 13.02.2014 are obediently followed. And further it is informed, as per the direction of the Hon'ble High Court,

as far as this Claim Petition is concerned, Decree is not drafted separately. And in the Award, instead of drafting the Decree, necessary details have been incorporated in this Claim Petition's order.

The judgment was typed by me on my laptop, corrected, and pronounced by me in the Court on this the 17th day of March, 2026.

Motor Accident Claims Tribunal Judge/
Principal Subordinate Judge,
Cheyyar.

Petitioner side witnesses :

P.W 1 : Mr. Krishnamoorthi, 4th Petitioner

P.W.2 : Mr.Mari, Eye witness

Petitioner side exhibits :

Ex.P1: Xerox copy of F.I.R.

Ex.P2: Death report

Ex.P3: Death Certificate

Ex.P4: Motor Inspector Report of the Government Bus bearing registration No.
TN-32-N- 2916

Ex.P5: Final Report of the Cheyyar Police Station Crime No.31/2014

Respondent side Witnesses &Exhibits: Nil

Motor Accident Claims Tribunal Judge/
Principal Subordinate Judge,
Cheyyar.