

IN THE COURT OF THE V JUDGE COURT OF SMALL CAUSES

(MOTOR ACCIDENTS CLAIMS TRIBUNAL)

CHENNAI

PRESENT: THIRU. S. MUTHU MURUGAN, B.A., B.L., LL.M.,

V JUDGE.

Tuesday, this the 16th Day of December 2025

MCOP No. 2835/2021

CNR No. TNCH09-004087-2021

1. V. Kanthamani,
W/o. K. Venkatachalam

2. V. Sudhakar,
S.o K. Venkatachalam

Both are residing at
No. 1/6, Professors colony,
Tamabaram east,
Chennai 600 059

3. S. Vanitha,
W/o Senthil,
No.54, Manthakarai street,
Titukkoilur,
Villupuram 605 757

4. V . Balaji
S/o. K. Venkatachalam,
No. 15/4a, Kambar street,
Tambaram east,
Chennai 600 059

...Petitioners

Vs.

1. OST Logistics,
No. 610/47, Gandhi nagar main road,
Thiruvottiyur,
Chennai 600 019.

2. Chola MS General Insurance Co Ltd.,
New No. 319, Old No. 154, Shaw Wallace building,
2nd floor, Thambu Chetty street,
Parry's corner,
Chennai 600 001

... Respondent

This petition came up on 03.11.2025 for final hearing before me in the presence of S. Kaviya and S. Elumalai Counsels for the petitioners and M/s. S. Stanley John and J.B. Hepshibah Jeyanthi Counsels for 2nd respondent but the 1st respondent called absent set exparte. upon hearing of both sides on perusing the case records and having stood over for consideration till this date, this court delivered the following.

AWARD

This petition has been filed under Section 166 of Motor Vehicles Act, 1988 claiming a compensation of Rs.20,00,000/- with interest and costs.

2. The averments in the petition, in brief, are as follows:

The petitioner submitted that on 15/6/2021 at about 5:30 AM while the deceased carefully walking at Selaiyur Velachery main road East Tambaram near Selaiyur chandrabhan apartment at that time bus bearing registration number TN 03 AC 0978 coming from East to West direction in very rash and negligent manner and dashed against the pedestrian thereby caused this accident in which the deceased fell down and sustained grievous injuries which leads to his death. The accident happened due to the negligence of the bus driver so the first respondent as owner and the second respondent as insurer are liable to pay compensation to the petitioners.

3. The averments in the counter filed by the 2nd respondent is as follows:

The second respondent denied all the allegations in the claim petition except those that are specifically admitted in the counter. The existence of valid insurance policy, RC book, fitness certificate, permit and driving licence to the bus driver are to be proved by the petitioner. The manner of accident alleged in the claim petition are denied and stated that at the time of accident there was no policy issued to the first respondent bus and the policy alleged in column number 16 of the claim petition was not at all issued by the second respondent so there is no question of indemnifying the first respondent by the second respondent. The first respondent fabricated the policy and a similar fraud was found in another one claim petition before this court therefore prayed to dismiss the claim petition.

4. Evidence:

In evidence the 1st petitioner herself examined as PW1 and marked twenty five documents as Ex. P1 to Ex. P25 and the eyewitness examined as PW2 and marked one document as Ex.P26 with this the petitioner side evidence was closed.

On the side of 2nd respondent , the company staff examined as RW1 and six documents have been marked as Ex.R1 to R6 with this both side evidence was closed.

5. The Points for determination are:

1)	Whether the accident occurred due to the rash and negligent driving of the 1 st respondent bus driver?
2)	Whether the 1 st respondent bus driver was having valid driving license and whether the said vehicle was covered under valid insurance and proper documents, as contemplated under the M.V. Act at the time of accident?
3)	Whether the petitioner is entitled to get compensation if so, what should be the quantum of compensation, and by whom it is payable?

6. ANSWER FOR POINT No.1:

6.1. The petitioner submitted that on 15/6/2021 at about 5:30 AM while the deceased carefully walking at Selaiyur Velachery main road East Tambaram near Selaiyur chandrabhan apartment at that time bus bearing registration number TN 03 AC 0978 coming from East to West direction in very rash and negligent manner and dashed against the pedestrian thereby caused this accident in which the deceased fell down and sustained grievous injuries which leads to his death.

6.2. In this regard a police complaint was lodged by 2nd petitioner to Chrompet traffic investigation wing. On which the Ex.P1 FIR was registered in FIR No166/2021 . u/s. 279, 337 IPC, against the 1st respondent bus driver. On completion of investigation the police filed charge sheet against the 1st respondent bus driver. Further the 1st respondents did not come forward to contest the petition. Moreover no contra evidence on negligence as the RW1

evidence only with respect to the fake policy. Considering the evidence of PW1 and the FIR, this tribunal decided that the accident happened due to the negligence of the 1st respondent bus driver. Accordingly, the point is decided.

7.ANSWER FOR POINT No.2:

In this point it has to be ascertain that whether the 1st respondent bus driver had valid driving license at the time of accident, in evidence the petitioner side marked the driving license of the 1st respondent bus driver as Ex.P11. Further the registration certificate, insurance policy, MV report of the bus have been marked as Ex.P10,P9 and P12. But the insurance policy disputed by the second respondent but they failed to mark the premium payment register and the specific complaint against the vehicle owner and the FIR. However the first respondent failed to appear in the case or send any reply to the notice issued by the second respondent company. So pay and recovery principle applied. Thus, this court is of the view that the bus involved in the accident was under the cover of insurance at the time of accident and all documents are in order. Accordingly, the point is decided.

8. ANSWER FOR POINT No.3:

i) Cause of Death:

The accident was happened on 15.06.2021 and the deceased was died on same day. The postmortem certificate marked as Ex.P25. it would show that the deceased was died due to the severe head injury, chest injury and hemorrhage, shock in road accident. So it is proved that the deceased was died due to the accident injuries.

ii) Dependency to the deceased:

The petitioners stated that, the 1st petitioner is the wife of the deceased and the 2nd petitioner is the son of the deceased and the 3rd petitioner is the daughter of the deceased and the 4th petitioner is the son of the deceased they are the available legal heir to the deceased. In support to their claim the petitioner side marked the legal heirship certificate issued by the Tambaram Thasildar as Ex. P5. On perusal of the same it would show that the petitioners are the only available legal heirs of the deceased. As such the petitioners are the dependents of the deceased so entitled to get the compensation.

iii) Age of the deceased

The petitioners in their claim petition alleged that the deceased was aged 65 at the time of the accident, Further the Aadhar card of the deceased marked as Ex.P8 where in his date of birth mentioned at 10.11.1955 and the accident happened on 15.06.2021 so considering the same his age fixed as **65 years** at the time of Accident.

iv) Monthly income of the deceased:

In the claim petition, it has been stated that at the time of the accident, the deceased was a Security and earned Rs. 12,000/- per month . But there is no proof for the income. Therefore, this tribunal inclined to fix notional income. Considering the age of the deceased and year of accident, prevailed working atmosphere his monthly income notionally fixed as Rs. 12,000/- per month.

v) Future Prospectus

As per the Judgment of Hon'ble Apex court reported in **2017 (2) TNMAC 609** between *National Ins. Co. Ltd. Vs. Pranay Sethi and others* the no future prospectors for the above 60 age group. Thus, the annual income of the deceased is arrived as Rs.1,44,200/- (12000 X 12).

vi) Deduction for personal and living expenses of the deceased:

As per judgment of the Honble Supreme Court in *Sarla Verma and Ors. Vs. Delhi Transport Corporation and Ors.* reported in **2009 (2) TNMAC 1**, The dependent to the deceased is four dependents only hence 1/4 has to be deducted as the personal and living expenses of the deceased. As such, 1/4 of the amount Rs. 1,44,000/- which is Rs. 36,000/- deducted from the annual income of the deceased so the balance is **Rs.1,08,000/-** is the contribution to the dependents per annum.

vii) Multiplier and total loss of dependency:

After the deduction of the personal and living expenses of the deceased now there is need to calculate the loss of dependency. In this process the multiplier is significant as per judgment of the **Hon'ble Supreme Court in Sarla Verma and Ors. Vs. Delhi Transport Corporation and Ors. reported in 2009 (2) TNMAC 1**, since the age of the deceased was 65 at the time of death the multiplier for the age group of 61-65 will be M- 7. Therefore, the total loss of dependency is arrived as Rs. 7,56,000/- (Rs. 1,08,000 x 7)

viii) Loss of Consortium:

As per the judgment of Honourable Apex court in **New India Assurance company vs Somwati in Civil appeal No:3093/2020** dated 7-9-2020 and **Magma General Insurance Co.Ltd., Vs. Nanu Ram Alias Chuhru Ram and others reported in 2018(2) TNMAC 452 (SC)**, it has been decided that no compensation can be granted under the head of Love and affection and the dependents of the family are only entitled for the compensation under the head of loss of consortium according to their relationship under the head of spousal consortium, parental consortium, filial consortium. As per the Judgment of Hon'ble Apex court reported in **2017 (2) TNMAC 609** between **National Ins. Co. Ltd. Vs. Pranay Sethi and others**, each of the petitioners entitled each for Rs.40,000/- towards loss of spousal consortium, parental and filial consortium.

ix) Loss of Estate:

As per the Judgment of Hon'ble Apex court reported in **2017 (2) TNMAC 609** between **National Ins. Co. Ltd. Vs. Pranay Sethi and others**, the petitioners are entitled to **Rs.15,000/-** under the head of "Loss of Estate".

x) Funeral Expenses:

As per the Judgment of Hon'ble Apex court reported in **2017 (2) TNMAC 609** between **National Ins. Co. Ltd. Vs. Pranay Sethi and others** the petitioners are entitled to **Rs.15,000/-** under the head of "**Funeral expenses**".

xi) Medical Expenses:

The petitioner side did not mark the medical bills for the treatment to the deceased, so no amount was awarded towards medical expenses.

Summing up the above said amount under various heads are as follows

Loss of dependency	Rs. 7,56,000/-
Loss of Consortium	Rs. 1,60,000/-
Loss of Estate	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-
Medical bills	Nil
Total	Rs. 9,46,000/-

10. In view of the above discussion and calculation arrived in the above paras in various head, this tribunal comes to the decision that a sum of **Rs. 9,46,000/-** would be a just compensation to the death of deceased in road accident.

11. In the result, this petition is partly allowed that,

(i)	An award of Rs. 9,46,000/- (Rupees Nine lakhs and forty six thousand only) is passed in favour of the petitioners with interest at 7.5% p.a. from the date of petition, viz. 02.07.2021 to till the date of payment payable by the 2 nd respondent with costs.
(ii)	There will be no interest for the default period if any.

(iii)	As per the decision in the Para No.7 pay and recovery ordered. The 2nd respondent is permitted to recover the deposited amount from the 1st respondent under section 174 of MV Act.
(iv)	The compensation amount shall be deposited into this court Bank Account in the name of Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai within two months.
(v)	Out of the total award amount the 1 st petitioner/ Wife of the deceased entitled to Rs.5,00,000/- and the 2 nd petitioner/Son of the deceased entitled to Rs. 2,00,000/- and and the 3 rd petitioner/daughter of the deceased entitled to Rs. 46,000/- and the 4 th petitioner/son of the deceased entitled to Rs. 2,00,000/- permitted to withdraw the same on deposit. permitted to withdraw the same on deposit.
(vi)	On petition for payment of the above said initial amount excluding, costs, Advocate fees and bank charges due and payable to the petitioner/claimant which shall be transferred to 1 st petitioner/claimant's bank account 1 st petitioner/claimant's bank account No. 623075593, Indian bank, Tamabaram branch, Chennai, IFSC IDIB000T004, 2 nd petitioner/claimants bank account No. 02380100172731, UCO bank, Tambaram branch, IFSC UCBA0000238, 3 rd petitioner/claimant bank account No. 1711155000081420, The Karur Vysya bank, Villupuram, 4 th petitioner /claimant bank account No.158072655110, IndusInd Bank, Tambaram branch, IFSC INDB0001370 RTGS (or) NEFT.
(vii)	The petitioner has paid a sum of Rs.375/- towards Court fee. As per this award, the Court fee is Rs.8832.5/-. The Advocate fee is fixed at

	Rs. 16,460/-. The Additional Court fee of a sum of Rs.8457.5/- shall be paid within 10 days.
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Dictated by me to the Typist and she directly typed it in the computer after corrections pronounced by me in Open Court, on this the 16th day of December 2025

**(S. MUTHUMURUGAN)
V JUDGE
COURT OF SMALL CAUSES
CHENNAI**

LIST OF WITNESSES EXAMINED FOR THE PETITIONER: -

S.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	20.02.2025	Kandhamani (1 st petitioner)	Ex.P1-Ex.P25
PW2	10.06.2025	Kumar (eyewitness)	Ex.P26

LIST OF EXHIBITS FOR THE PETITIONER:-

Sl No.	Date	Document Particulars	Document Type
Ex.P1	15.06.2021	First Information Report	Photocopy
Ex.P2	23.06.2021	Charge sheet	Photocopy
Ex.P3	--	Death report	Photocopy
Ex.P4	02.07.2021	Death certificate	Photocopy
Ex.P5	17.08.2021	Legal heir certificate	Photocopy
Ex.P6	--	Letter pad	Photocopy
Ex.P7	--	Deceased bank statement	Photocopy

Ex.P8	--	Deceased aadhar card	Photocopy
Ex.P9	--	Insurance policy of the 1 st respondent vehicle	Photocopy
Ex.P10	--	RC of the 1 st respondent vehicle	Photocopy
Ex.P11	--	Driving license of the 1 st respondent vehicle driver	Photocopy
Ex.P12	--	MV report of the 1 st respondent vehicle	Photocopy
Ex.P13	--	Aadhar card of the 1 st petitioner	Photocopy
Ex.P14	--	PAN card of the 1 st petitioner	Photocopy
Ex.P15	--	Bank pass book of the 1 st petitioner	Photocopy
Ex.P16	--	Aadhar card of the 2 nd petitioner	Photocopy
Ex.P17	--	PAN card of the 2 nd petitioner	Photocopy
Ex.P18	--	Bank pass book of the 2 nd petitioner	Photocopy
Ex.P19	--	Aadhar card of the 3 rd petitioner	Photocopy
Ex.P20	--	PAN card of the 3 rd petitioner	Photocopy
Ex.P21	--	Bank pass book of the 3 rd petitioner	Photocopy
Ex.P22	--	Aadhar card of the 4 th petitioner	Photocopy
Ex.P23	--	PAN card of the 4 th petitioner	Photocopy
Ex.P24	--	Bank pass book of the 4 th petitioner	Photocopy
Ex.P25	--	Postmortem report	Photocopy
Ex.P26	--	Aadhar card of the PW2	Photocopy

LIST OF WITNESS EXAMINED FOR THE RESPONDENTS:

S.No.	DATE	NAME OF THE WITNESSES	REMARKS
RW1	08.08.2025	Kamalakannan(company staff)	Ex.R1 - R6

LIST OF EXHIBITS MARKED FOR THE RESPONDENTS:

Sl No.	Date	Document Particulars	Document Type
Ex.R1	--	Authorization letter/ ID Card	Photocopy
Ex.R2	--	Order date 09.02.20212 in Crl. O.P No. 2302 of 2021	Photocopy
Ex.R3	--	Order copy in Crl OP 2302 of 2021	Photocopy
Ex.R4	--	Series- complaint to and ADGP	Photocopy
Ex.R5	--	Notice with acknowledgment	Photocopy
Ex.R6	--	Order copy in OP No 1426 of 2021	Photocopy

COURT DOCUMENT: Nil

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CHENNAI

OTHER PARTICULARS

Date of filing of the petition	02.01.2021
Date of Award	16.12.2025
Amount Claimed under Compensation	Rs. 20,00,000/-
Amount Awarded as Compensation	Rs.9,46,000/-
Total Court Fees	Rs. 8832.5/-
The Court Fee already paid	Rs. 375/-
Balance Court Fee to be paid	Rs.8457.5/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs. 8832.5/-
Vakalath	Rs. 5.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs. 16,460/-
TOTAL	Rs. 25337.5/- (rounded off Rs. 25338/-)

(S. MUTHUMURUGAN)
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