

**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TIRUVALLUR AT POONAMALLEE.
(III Additional District & Sessions Court)**

Present: **Thiru. C.VIJAYAKUMAR, B.A., B.L.,**
III Additional District and Sessions Judge

Friday, the 06th day of March 2026

MCOP No.41/2022

- 1) M. Chitra, W/o. Mari,
 - 2) M. Sowmiya, D/o. Mari,
 - 3) Minor. Kishore, S/o. Mari,
 - 4) R. Amudha, D/o. Rajagopal,
- All are residing permanently at No.84C,
Ellaiamman Kovil Street, Olcott Kuppam,
Besant Nagar, Chennai – 600 090.
Now at, No.9, M.G.R Nagar, Poonamallee,
Chennai – 600 056.

....Petitioners

- Vs -

- 1) Mrs. Nandhinee,
No. 195, Parvathy Nagar,
Main Road, Kanchipuram – 600 126.
- 2) The SBI General Insurance Co. Ltd.,
'Natraj' 101, 201 & 301,
Junction of Wester Express Highway &
Andheri Kurla – Road, Andheri East,
Mumbai – 400 069.

.... Respondents

This petition came before me for final hearing on 09.02.2026 in the presence of M/s. T. Mahalingam, D. Jayaraman learned counsel for the petitioners, 1st Respondent and set exparte on 10.08.2022, Mrs. C. Bhuvaneshwari learned

counsel for the 2nd Respondent and on upon hearing the arguments on the side of the petitioner and on the side of the respondent, on perusing the records, and having stood over for consideration till this day, this Tribunal passed the following:-

ORDER

The legal heirs of the deceased R. Mari in the motor accident, have filed the petition under Section 166 of the Motor Vehicles Act and Rule 3 of the M.A.C.T. Rules, claiming compensation of Rs.40,00,000/- with costs.

2) The averments made in the petition are briefly as follows:-

It is contended that, on 14.01.2022 at about 19.30 hrs. when the deceased was sitting slantly on the Jothi Nagar Kaivaai Bridge at Moulivakkam, when the 1st respondent's Tata Tiago Car bearing Regn. No. TN-10-AW-3494 driven by its driver in North to South direction in a rash and negligent manner, endangering the public safety, hit and ran over the deceased. By the said accident deceased sustained severe injuries at Head, Shoulder and Chest, multiple injuries all over the body. The said accident was occurred only due to the rash and negligence of the 1st respondent's Tata Tiago Car driver. The 1st respondent is the owner of the Tata Tiago Car, the 2nd respondent is the insurer of the 1st respondent's Tata Tiago Car. Hence, both are liable to compensation amount to the petitioners. The petition is, therefore filed.

3) The averments made in the counter-statement, filed by the second respondent, are briefly as follows:-

Per contra, the second respondent submitted that, on January 14, 2022, at approximately 7:30 PM, the deceased was sitting on the Jothi Nagar Kalvai Bridge in Moulivakkam when a motor car (Reg. No. TN-10-AW-3494), driven rashly and negligently, struck them and caused fatal injuries. However, the second respondent denies these claims, noting that the postmortem suggests the deceased died of head injuries sustained and that the car's driver lacked a valid license, thereby violating policy terms and exonerating the respondent from liability. Furthermore, the respondent challenges the Rs.40,00,000 compensation claim as excessive, demanding strict documentary proof of the deceased's age, occupation, and income (including TDS certificates or Form 16 if applicable), and asserting that any pension should be deducted from the final amount. The respondent also seeks to restrict the interest rate to 5.5% per annum per the Interest Act and argues that the deceased may have been guilty of contributory negligence by sitting on the bridge, ultimately contending that the claim is meritless. The petition is, therefore, liable to be dismissed.

4) The points arising for consideration are as follows:-

- 1) Whether the motor accident occurred on account of the rash and/or negligent driving of the Tata Tiago Car bearing Regn. No. TN-10-AW-3494 and/or by its driver?**
- 2) Whether the petitioners are entitled to compensation?**
- 3) Who is liable to pay compensation?**

4) What is the quantum of compensation the petitioners are entitled to?

5) On the side of the petitioners, the third petitioner was examined as P.W.1, eye-witness Tr. Uthirabathi examined as P.W.2 and 17 documents were marked as Ex.P-1 to Ex.P-17. No witnesses were examined and no exhibits were mared on the side of the Respondents. The oral and the documentary evidence produced in the case were perused and the arguments advanced on either side heard.

6) Question No.1 : Whether the motor accident occurred on account of the rash and/or negligent driving of the Tata Tiago Car bearing Regn. No. TN-10-AW-3494 and/or by its driver?

6-1) Legal heirs of the deceased Mari filed this claim petition seeking compensation from the Respondents for the death of the 1st petitioner's Husband Mari in a road accident. Before going into further discussions, the petitioners have the burden of proving the facts that an accident was occurred on 14.01.2022 as alleged in the petition, and that the 1st petitioner's husband Mari was died in the accident. The Respondents No.1 owner of the Tata Tiago Car bearing Regn. No. TN-10-AW-3494, and 2nd Respondent being the insurer of the car did not deny these facts. Despite this, 1st Petitioner wife of the deceased was examined as PW.1, independently proved the fact of the accident and the death of his brother as a result of the accident through his own evidence and the evidence of PW.2, the eyewitness. The documents Ex.P.1

(FIR), Ex.P.2 (Death Report), Ex.,P.4 (Death certificate) and Ex.P.9 (Final Report) corroborate the evidence of PW.1 and PW.2 regarding the facts of the accident and the death of Mari. Hence, this Tribunal concluded that the Petitioners, apart from any admissions, independently proved the fact that the accident took place on 14.01.2022, at about 19.30 hrs and that Mari was died as a result.

6-2) Rash and Negligent:-

6-2-a) Now, the next point for consideration is whether the accident occurred due to the rash and negligent act of the driver of the 1st Respondent's Tata Tiago Car bearing Regn. No. TN-10-AW-3494. As regards the manner of the accident, the case of the petitioners is that the deceased was sitting on the Jothi Nagar Kaalvaai Bridge at Moulivakkam, 1st Respondent's Tata Tiago Car bearing Regn. No. TN-10-AW-3494 was driven by its driver in rash and negligent manner endangering public safety, hit and ran over the deceased. Due to this Accident deceased sustained severe injuries at head, shoulder, and chest and multiple injuries all over the body. The evidence of PW.2 with regard to the accident and the negligent driving of the rider of the two wheeler is relevant.

6-2-b) On the contrary, it is the contention of the 2nd respondent, the driver of the 1st Respondent's vehicle did not possess valid driving license. The driving

license particulars revealed by the document marked on the side of the petitioner as Ex.P.7 (MVI Report for the car bearing Reg.No.TN-10-AW-3494) constitutes that, the driver of the 1st respondent possess valid driving license. Accordingly, this Tribunal concludes that the accident occurred due to the rash and negligent of the driver of the 1st Respondent's container Car bearing Regn. No. TN-10-AW-3494.

6-2-c) In the absence of reliable evidence to establish contributory negligence on the part of the deceased, and considering the credible testimony of PW2, this Tribunal concludes that the accident occurred solely due to the rash and negligent driving of the 1st respondent's driver.

7) whether the petitioners 1 to 4 are entitled to compensation ?

On perusal of the legal heir certificate (Ex.P.6) which was produced by the petitioner, the Petitioner No.1 is the wife; while Petitioners No.2 is the daughter; Petitioners No. 3 is the Son; and Petitioner No.4 is the Mother of the deceased. Petitioners 1 to 4 were wholly dependent on the deceased. Hence, this Tribunal concludes that the Petitioners 1 to 4 are the dependents of the deceased and are entitled to the compensation awarded.

8) Who is liable to pay compensation to the petitioners:-

8-1) The 1st Respondent is the owner of the Tata Tiago Car bearing Regn. No. TN-10-AW-3494 and the 2nd Respondent is the insurer of the said vehicle.

Upon evaluation of the evidence of PW2 (eye-witness) and the Final Report filed by the police, this Tribunal has concurrently held that the accident occurred due to the rash and negligent driving of driver of the 1st Respondent's car. Therefore, the owner of car is the tortfeasor, and the insurer thereof is liable to compensate the petitioners.

8-2) In so far as the insurance coverage is concerned, the copy of the insurance policy of the 1st Respondent's lorry is marked as Ex.P.3. The said policy was valid from 17.11.2021 to 16.11.2022 and covers the date of accident which was occurred on 14.01.2022. The 2nd Respondent contended that, the driver of the alleged car did not possess valid driving license. On perusal of the Motor vehicle inspection report for the said vehicle, shows the driving license particulars. Accordingly, the 2nd Respondent Insurance Company is liable to indemnify the 1st Respondent. Therefore, this Tribunal concludes that the 2nd respondent (Insurance Company) is liable to pay the compensation to the petitioners.

9) What is the quantum of compensation the petitioners are entitled to?

9-1: Age of the deceased:-

The Petitioners have stated in the petition that the deceased was 40 years old at the time of the accident. The age of the deceased is also confirmed through Ex.P2 (Death Report), Ex.P4 (Death Certificate) and Ex.P5 (Post-Mortem Certificate) all of which show that the deceased was 40 at the time of the

accident. The accident occurred on 14.01.2022. Accordingly, this Tribunal determined the age of the deceased is **40 years** for computing the compensation.

9-2) Income of the deceased:-

The Petitioners stated in the petition that the deceased was worked as a Mason and was earning Rs.25,000/- per month. The petitioner has not produced any documents with regard to the same. Therefore, this Tribunal feels that notional income may be fixed. As per the decision of the *Hon'ble High Court of Madras, in 2025(1) TNMAC CMA.554 of 2025, Branch Manager, SBI General Insurance Co.Ltd., Vs Muthulakshmi and 4 others*, and upon considering the facts and circumstances of the case and the socio-economic conditions prevailing at the time of accident and the age of the deceased, this Tribunal feels that **Rs.18,000/-** may be fixed as the monthly income of the deceased, and the same is, accordingly, fixed and thus, the monthly income of the deceased is fixed at **Rs.18,000/-**.

9-3) Number of dependents:-

As per the discussions made in para No.7 the petitioner No. 1 to 4 are the dependents of the deceased.

9-4) Addition to income for 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 40% may be made to the income of the person, who was on self-employment and was below 40 years. Therefore, as the age of the deceased was **40** years as on the date of accident, 40% of actual salary has to be added to the monthly income of the deceased towards future prospects. Therefore, the monthly income of the deceased would be Rs.25,200/- (Rs.18,000/- + 40% thereof).

9-5) Deduction for personal and living expenses:-

In view of the judgment of the Hon'ble Supreme Court has, in *Sarala Verma(Smt.) and Others vs. Delhi Transport Corporation and another*, cited supra, where the deceased has 4 dependents, the deduction towards personal and living expenses of the deceased should be one-fourth (1/4). Therefore, the deduction towards personal and living expenses of the deceased would be (1/4), and thus, Rs.18,900/- (Rs.25,200- minus (1/4) thereof) is determined to be the contribution of the deceased to the family for a year.

9-6) Selection of multiplier:-

For determining the multiplier, the guidelines of the Hon'ble Supreme Court in *Sarala Verma(Smt.) and Others vs. Delhi Transport Corporation and another*, cited supra, need be followed. In that case, the Hon'ble Supreme Court has held that if the age of the deceased is between 36 - 40 years, the

multiplier to be used should be 15. As stated earlier, at the time of death, the age of the deceased was 40 years.

9-7) Computation of compensation:-

Sl.No	Heads	Calculation
1.	Income	Rs.18,000/- per month. Add: 40% of Future prospects at Rs.18,000/- = Rs.7,200/- Rs.18,000/- + Rs.7,200/- = Rs.25,200/-
2.	1/4 of Income	Deducted as personal expenses of the deceased is 1/4 of monthly income, i.e. Rs.25,200/- minus Rs.6,300/- =Rs.18,900/- Annual income is Rs.18,900/- x 12 = Rs.2,26,800/-
3.	Compensation Multiplier of "17" is applied (As per Sarala Varma's case)	Rs. 2,26,800 x 15 = Rs.34,02,000/-
4.	Conventional Heads:- 1)Loss of filial consortium : Rs.40,000/- each (Rs.40,000/- x 4 = Rs.1,60,000/-) 3)Loss of Estate : Rs.15,000/- 4)Funeral Expenses : Rs.15,000/-	Rs. 1,60,000/- Rs. 15,000/- Rs. 15,000/- ----- Total Rs. 1,90,000/-
	1) Loss of income 2) Conventional Heads Total	Rs. 34,02,000/- + Rs. 1,90,000/- + ----- Rs. 35,92,000/- -----

9-7) Rate of interest:-

As far as the issue of rate of interest is concerned, it should be 7.5% in view of the latest decision of **the Hon’ble Supreme Court in National Insurance Co. Ltd. v. Mannat Johal, (2019) 15 SCC 260.**

In wake of the preceding discussion, the amount of compensation to which the claimants are entitled and are hereby awarded, is tabulated hereunder:

- i. Date of Accident : 14.01.2022
- ii. Name of the Deceased : Tr. R. Mari
- iii. Age of the Deceased : 40
- iv. Occupation of the Deceased : Mason (Private)
- v. Income of the deceased : Rs.18,000/- per month.
- vi. Name, Age and Relationship of Claimants with the deceased :

S.No	Name	Age	Relationship
1	M. Chitra	40	Wife (1 st Petitioner)
2	M. Sowmiya	20	Daughter (2 nd Petitioner)
3	Minor. M. Kishore	15	Son (3 rd Petitioner)
4	R. Amudha	61	Mother (4 th Petitioner)

10) Question No.4: To what other reliefs ?

Other than the above said compensation amount, the Petitioners 1 to 4 are not entitled for any other amount. **Point No.4 is answered accordingly.**

11) In view of the above discussion, this Tribunal is awarding a sum of **Rs.35,92,000/- (Rupees Thirty Five Lakhs and Ninety Two Thousand only)**. The 2nd Respondent is liable to pay the compensation amount to the Petitioners 1 to 4, a sum of **Rs.35,92,000/- (Rupees Thirty Five Lakhs and Ninety Two Thousand only)** with interest 7.5% from the date of numbering of petition (27.01.2022) till the date of realization. The said amount have to be deposited in this court MACT A/c vide NEFT or RTGS.

Sl. No.	Particulars	Remarks
1	M.C.O.P. Number	41/2022
2	On the file of (Claim Tribunal Name)	III Additional District & Sessions Court, Tiruvallur at Poonamallee
3	Date of Award	10.03.2026
4	Total Compensation Amount	Rs.35,92,000/-
5	Income Tax Deduction at source	--
6	Bank Transaction Reference No. Unique Transaction Reference (UTR)No.	Indian Bank Poonamallee Branch, A/c No.6522928114, IFSC:IDIB000P046

i) In the result, the Petition is partly allowed with costs.

ii) That the 2nd Respondent is liable to pay a sum of **Rs.35,92,000/- (Rupees Thirty Five Lakhs and Ninety Two Thousand only)** as compensation to Petitioners 1 to 4. The 2nd respondent is directed to pay a sum of

Rs.35,92,000/- (Rupees Thirty Five Lakhs and Ninety Two Thousand only) with accrued interest thereon at 7.5% per annum from the date of numbering of the petition (i.e) (27.01.2022) till the date of realization.

iii) The 2nd Respondent is directed to deposit the Award amount to the credit of III Additional District and Sessions Court, Tiruvallur at Poonamallee, (i.e) Indian Bank Account No.6522928114 (IFSC:IDIB000P046) directly by NEFT or RTGS within a period of two months from today under intimation to this Tribunal.

iv) Out of total compensation of **Rs.35,92,000/- (Rupees Thirty Five Lakhs and Ninety Two Thousand only)** the following apportionments are made as follows: The petitioners 1 to 3 are entitled to **Rs.11,00,000/- (Rupees Eleven Lakhs Only)** each and the 4th petitioner entitled to **Rs. 2,92,000/- (Rupees Two Lakhs and Ninety Two Thousand Only)**.

v) On such deposit, Petitioners 1,2 and 4 are permitted to withdraw the amount after filing a proper petition each for withdrawal excluding Advocate fees and Bank Charges due and the amounts shall be transferred to the Account of 1st Petitioner's Bank Account No.551902010016984 (IFSC Code: UBIN0555193) of Union Bank of India, Porur Branch; 2nd petitioner's Bank Account No. 50100785688875 (IFSC Code: HDFC0001052) HDFC Bank,

K.K.Nagar Branch; through NEFT or RTGS. 4th petitioner is directed to file the Bank Account details before this Court.

vi) The award amount with regard to the 3rd petitioner is ordered to invest any one of the nationalized bank till he attain majority.

vii) The Court fee for the award amount is **Rs.33,392.50/-**

viii) The Petitioners 1 to 4 are directed to pay the court fees towards the excess amount of award of **Rs.33,012.50/-** (Rs.33,392.50/- minus Rs.380/-) within 30 days from today.

ix) No Interest for the default period as per the orders if any.

x) Advocate fee is fixed at **Rs.41,020/-**

xi) As per the Judgment of the Hon'ble High Court of Madras in M/s.Cholamandalam MS General Insurance Co Ltd., Vs. Ayyanar & Others reported in 2020(4) CTC 272, no decree is prepared.

xii) Parties are entitled for free copy of award as per rule 20(6) of Tamil Nadu Motor Accident Claims Tribunal Rules.

Dictated to the stenographer, transcribed and typed by him in the computer, and corrected and pronounced by me in the open court on this, the 10th day of March 2026.

III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.

Petitioners side witnesses:

P.W.1: Tmt. Chithra (1st Petitioner)

P.W.2: Tr. Uthirabathy (eyewitness)

Petitioners side exhibits:

Ex.P-1: Copy of First Information Report

Ex.P-2: Copy of Death Report

Ex.P-3: Copy of Insurance Policy for 1st Respondent Vehicle

Ex.P-4: Copy of Death Certificate

Ex.P-5: Copy of Post Mortem Certificate

Ex.P-6: Copy of Legal heir Certificate

Ex.P-7: Copy of MVI for 1st Respondent Vehicle (TN-10-AW-3494)

Ex.P-8: Copy of Rough Sketch

Ex.P-9: Copy of Final Report

Ex.P-10: Copy of 1st Petitioner's Aadhaar Card

Ex.P-11: Copy of 1st Petitioner's PAN Card

Ex.P-12: Copy of 1st Petitioner's Bank Pass Book

Ex.P-13: Copy of 2nd Petitioner's Aadhaar Card

- Ex.P-14: Copy of 2nd Petitioner's PAN Card
- Ex.P-15: Copy of Bank Statement in the name of 2nd Petitioner
- Ex.P-16: Copy of 3rd Petitioner's Aadhaar Card
- Ex.P-17: Copy of 4th Petitioner's Voter ID Card

Respondent side witness and exhibits: NIL

III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.