

BEFORE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TENKASI

ADDITIONAL DISTRICT COURT(FTC), TENKASI

**PRESENT: Thiru. S. Manojkumar, M.A., M.L.,
Motor Accident Claims Tribunal Authority,
Additional District Judge, Tenkasi.**

Tuesday, the 30th Day of June 2026

M.C.O.P. No.40/2019

(Principal Sub Court,Tenkasi M.C.O.P.No.322/2014)

(CNR No.TNTS01-000289-2019)

1. Murugan, Age 44, S/o. Sankarapandian, residing at 18/7/230/12, Pandian Compound, Sivagurunathapuram, Kamaraj Nagar, Surandai, V.K.Pudur Taluk.
2. Mariappan, Age 42, S/o. Sankarapandian, residing at 18/7/230/12, Pandian Compound, Sivagurunathapuram, Kamaraj Nagar, Surandai, V.K.Pudur Taluk.
3. Raja, Age 40, S/o. Sankarapandian, residing at 18/7/230/12, Pandian Compound, Sivagurunathapuram, Kamaraj Nagar, Surandai, V.K.Pudur Taluk.
4. Alagurani, Age 44, D/o. Sankarapandian residing at 18/7/230/12, Pandian Compound, Sivagurunathapuram, Kamaraj Nagar, Surandai, V.K.Pudur Taluk.

.....Petitioners

/Vs/

1. Jagdheesh, S/o.Esakki, residing at Krishnan Kovil Street, Mela Ilanji, Tenkasi Taluk.
2. Esakkidurai, S/o. Krishnan, residing at Aadhi Dravidar Colony, Ilanji 14, Tenkasi Taluk.
3. M/s.IFFCO TOKIO General Insurance Company Ltd., having their officer at 335/1A, V.V. Complex, North Bypass Road, Vannarpettai, Tirunelveli Taluk through its Zonal Manager.

4. Tata AIG General Insurance Company Ltd., Chennai through its Branch Manager having its office at 2nd Floor, Samson Towers, 403 L, Pantheon Road, Sulaiman Azckria Avenue, Egmore, Chennai, Tamil Nadu 600 008.
5. Packialakshmi, Age 46, D/o.Sankarapandian and W/o. Marimuthu residing at 18/7/230/12, Pandian Compound, Sivagurunathapuram, Kamaraj Nagar, Surandai, V.K.Pudur Taluk.

....Respondents

(4th respondent was impleaded as per order in I.A.No. 2/2022 dt. 19.10.2023 and main petition was amended as per order in I.A.No. 3/2024 dt.13.03.2024 and 5th respondent was impleaded as per order in I.A.6/2026 dt.10.06.2026)

This Claim Petition came before this Tribunal for final hearing on 24.06.2026 in the presence of Thiru. K.P.Kumar, Advocate for the petitioners, Thiru.J.Samsudeen, Advocate for 3rd respondent, Thiru. A.Nagarajan, Advocate for 4th respondent, Tmt. M. Sudha, Advocate for 5th respondent and Advocate Tmt.Poosaiduraichi filed Vakalat for 1st, 2nd respondents and no counter filed and 1st, 2nd respondents called absent and set exparte and on hearing the arguments of both sides 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

This Claim Petition has been filed by the Petitioners u/s 166 and 140 of the Motor Vehicles Act 59/1988 claiming compensation of Rs.25,00,000/- for death of one Sankarapandian, father of petitioners who died in a road accident that took place on 08.09.2013.

2) Briefly stated averments in the Amended Petition are as follows:

On 08.09.2013, victim Sankarapandian was riding his bike bearing Reg.No. TN 76 P 9896 on Ilanji – Courtallam road, northern side of DR house at slow

speed, with care and control, observing traffic rules. At that time, in the opposite direction, the 1st respondent rode the two wheeler bearing Reg.No.TN 76 L 1229 belonging to the 2nd respondent in a rash and negligent manner, without observing traffic rules and dashed against the victim and the victim was thrown away and sustained injuries on head, right and left knee, forehead, right arm and died. The accident occurred only due to the rash and negligent riding of 1st respondent and FIR has been registered against the 1st respondent in Courtallam P.S.Cr.No.355/2013 u/s 279, 337, 304(A) IPC. The 3rd respondent is the insurer of the 2nd respondent's vehicle. The 1st to 3rd petitioners are sons of victim and 4th petitioner is daughter of victim. Therefore, the respondents are liable to pay compensation to the petitioners. Hence, the petitioners have filed this petition to claim compensation against the Respondents.

(ii) 4th respondent is the insurer of the 2nd respondent's vehicle at the time of accident. 5th respondent is the daughter of victim Sankarapandian. They are impleaded as per order in I.A.No.2/2022 and 6/2026 of this Court respectively.

3) Briefly stated averments in the Counter Statement filed by the 3rd Respondent are as follows:

The Claim petition filed by the Petitioners is not maintainable either in Law or on facts. The accident in question did not take place in the manner as alleged by the petitioners in the petition. In fact, the victim rode his two wheeler rash and negligently in an intoxicated mind and without following the traffic rules and without noticing the 1st respondent's vehicle and invites the accident. Therefore, the victim is sole cause for the accident. Further, the 1st respondent had no valid and effective driving license at the time of accident. The 3rd respondent denied the income, occupation and age of the victim. The compensation amount claimed under various heads is very high. Hence, this petition is to be dismissed with cost.

4) Briefly stated averments in the Counter Statement filed by the 4th Respondent are as follows:

The Claim petition filed by the petitioners is not maintainable either in Law or on facts. The 4th respondent denied averment stated in the petition that now only the petitioners came to know that the 2nd respondent's vehicle was insured with the 4th respondent. The 1st respondent had no valid driving license at the time of accident. The petitioners have not produced any documentary evidence to prove that the 2nd respondent's to wheeler was insured with the 4th respondent. Hence, this petition is to be dismissed with cost.

5) Briefly stated averments in the Counter Statement filed by the 5th Respondent are as follows:

The 5th respondent is the legal heir of the victim. At the time of incident, the 5th respondent was living with her husband at another place. Hence, prayed to award compensation to the 5th respondent along with the petitioners.

6) Points:

1	Whether the accident happened due to the rash and negligent riding of the 1 st respondent?
2	Whether the petitioners and 5 th respondent are entitled to get compensation?
3	Who is liable to pay compensation?
4	What is the quantum of the compensation the petitioners and 5 th respondent are entitled to?

7) During enquiry, on the side of petitioners, the 3rd petitioner was examined as P.W.1 and Ex.P1 to Ex.P10 were marked through P.W.1. One Saravanan was examined as P.W.2 and no exhibit was marked through P.W.2. On the side of 3rd respondent no witness was examined and no exhibit was marked. On the side of 4th respondent Tmt. Saraswathi, Junior Assistant, R.T.Office, Tenkasi was examined as R.W.1 and Ex.R1 was marked through R.W.1 and Tr. Deepak, Legal Manager of 4th respondent's insurance company was examined as R.W.2 and Ex.R2 to Ex.R7 were

marked through R.W.2. On the side of 5th respondent, no witness was examined and no exhibit was marked.

8) Point No.1,2 and 3:

(i) It is the case of the petitioners that on 08.09.2013, victim Sankarapandian was riding his bike bearing Reg.No. TN 76 P 9896 on Ilanji – Courtallam road, on the northern side of DR house slowly, with care and control, observing traffic rules. At that time in the opposite direction, the 1st respondent rode the two wheeler bearing Reg.No.TN 76 L 1229 belonging to the 2nd respondent in a rash and negligent manner, without observing traffic rules and dashed against the victim and the victim was thrown away and sustained injuries on head, right and left knee, forehead, right arm and died. The accident occurred due to the rash and negligent riding of the 1st respondent and FIR has been registered against the 1st respondent in Courtallam P.S.Cr.No.355/2013 u/s 279, 337, 304(A) IPC.

(ii) In order to prove the claim of the petitioners, the 3rd petitioner was examined as P.W.1. P.W.1 has stated in his Proof Affidavit that victim is his father and deposed about the manner in which the accident took place. But, on perusal of his evidence, he is not the eye witness to the accident. The eye witness was examined as P.W.2 and in his Proof Affidavit P.W.2 has stated regarding the manner in which the accident took place, which is extracted hereunder:

"கடந்த 08.09.2013 அன்று பிற்பகல் சுமார் 2.30 மணியளவில் இலஞ்சியில் இருந்து குற்றாலத்திற்கு பைக்கில் சென்று கொண்டிருந்தேன். எனக்கு முன்பாக எனது தாத்தா சங்கரபாண்டியன் அவரது டி.என்.76 பி 9896 என்ற பதிவு எண் கொண்ட ஹோண்டா ஆக்டிவா இரு சக்கர வாகனத்தில் சென்று கொண்டிருந்தார். இலஞ்சி-குற்றாலம் ரோட்டில் டி.ஆர். என்பவரது வீட்டின் விலக்கு வடபுறம் எனது தாத்தா மெதுவாகவும், கவனமாகவும், சாலை விதிமுறைகளை பின்பற்றியும் ஹாரன் அடித்துக் கொண்டும் ஓட்டிச் சென்றபோது, எதிரே அதிவேகமாகவும், அஜாகக்கிரதையாகவும், 1ம் எதிர்மனுதாரர் ஓட்டி வந்த டி.என்.76 எல் 1229 என்ற பதிவு எண் கொண்ட பைக்கை எனது தாத்தா ஓட்டி வந்த வாகனத்தின் மீது மோதி விபத்து ஏற்படுத்தினார்" *,

In this regard, FIR has been registered against the 1st respondent in Courtallam

P.S.Cr.No. 355/2013 u/s 279,337 IPC and the copy of FIR was marked as Ex.P1. Further, the petitioners have marked the copy of M.V.I. Report of the victim's two wheeler and 2nd respondent's two wheeler as Ex.P3, copy of Rough Sketch as Ex.P8. On perusal of the above records and the testimony of P.W.2, it transpires that the accident happened due to the rash and negligent riding of the 1st respondent. Further, from Ex.R3, copy of charge sheet filed by the Courtallam Police against the 1st respondent before Judicial Magistrate Court, Shencottah marked through R.W.2, it is evident that the negligence is on the part of 1st respondent. Moreover, there is no contra evidence put forth on the side of 3rd and 4th respondents to prove that the negligence is on the part of victim Sankarapandian and 1st and 2nd respondents remained exparte. Hence, in the absence of contra evidence, it is concluded that the accident on 08.09.2013 happened due to the rash and negligent riding of the 1st respondent.

(iii) On perusal of the legal heir certificate filed along with the records, it is evident that the 1st, 2nd and 3rd petitioners are the sons of the victim and 4th petitioner and 5th respondent are the daughters of the victim. Therefore, this Tribunal concludes that the petitioners and 5th respondent are entitled to get compensation

(iv) This Tribunal decided that the accident happened due to the rash and negligent riding of the 1st respondent. From Ex.P3 copy of M.V.I. Report of the two wheeler bearing Reg.No. TN 76 L 1229, it is evident that the 1st and 2nd respondents are the rider and owner of the offending vehicle respectively. From, Ex.R2, copy of insurance policy, it is evident that the offending vehicle was insured with the 4th respondent at the time of accident. The main contention of the 4th respondent is that the 1st respondent had no valid driving license at the time of accident, therefore, the 4th respondent is not liable to pay compensation to the petitioners. In order to substantiate the said contention, the 4th respondent had examined the Junior Assistant, R.T.Office, Tenkasi as R.W.1 and the Legal Manager of their insurance

company as R.W.2 and marked the letter of R.T.Officer, Tenkasi as Ex.R1, the legal notice sent to the 1st and 2nd respondents to produce the driving license of the 1st respondent and the acknowledgment cards for the receipt of notice by the 1st and 2nd respondents as Ex.R4 to Ex.R7. From the above records and from the testimony of R.W.1, R.W.2, it is evident that the 1st respondent had no valid driving license at the time of accident. Even after the receipt of legal notice, the respondents have not produced the driving license of the 1st respondent and they remained exparte. Further, from Ex.P3 copy of M.V.I. Report of the offending two wheeler, it is established that the 1st respondent had not produced his driving license at the time of vehicle inspection. Hence, as argued by the 4th respondent's learned counsel and from the above records, it is established that the 1st respondent had no valid driving license at the time of accident. Even then, from Ex.R2 copy of the Insurance Policy of the offending two wheeler, it is evident that the policy of the vehicle was valid from 13.03.2013 to 12.03.2014. The accident happened on 08.09.2013. Thus, the Insurance Policy of the 2nd respondent's two wheeler was in force on the date of accident. Therefore, the insurer of the 2nd respondent's vehicle, i.e., the 4th respondent is liable to pay compensation to the petitioners and 5th respondent and later recover the amount from the owner of the offending two wheeler i.e. from the 2nd respondent. Accordingly Point No. 1,2 and 3 are answered.

9) Point No.4: (i) The petitioner's learned counsel has argued that the victim was the owner of Packialakshmi Saw Mill, Surandai and his monthly earning was Rs.40,000/- per month, therefore the the compensation is to be fixed according to the above facts. But, there is no record to show that the deceased was doing any avocation or business and earning money. From Ex.P9, copy of postmortem certificate, it is evident that the victim was aged about 75 years at the time of accident. Therefore, considering the age of victim, facts of the case and year of accident, this Tribunal is inclined to fix Rs. 6,000/- as notional income of the victim.

(ii) As per the **decision in Smt. Sarla Varma and Others – Vs – Delhi Transport Corporation and another reported in (2009(2) TNMAC 1 (SC)**, for the age of 75 years, the appropriate Multiplier is 5 and **as per the decision in National Insurance Company Ltd., Vs Pranay Sethi Reported in 2017(2) TNMAC 609(SC)** and considering the age of the victim no future prospects was added and 1/5th of the income would be deducted towards the victim's personal expenses since the victim had five dependants. Accordingly, the loss of dependency is calculated as follows:

Notional Income	Rs.6,000/-
Deduct: 1/4th of the Income.	Rs.6,000/- Rs.1,500/- = Rs. 4,500/-
Monthly Income	Rs.4,500 /-
Loss of Dependency	Rs. 4,500/- x 5 x 12 = Rs. 2,70,000/-

iii) As per the decision in **National Insurance Company Ltd., Vs Pranay Sethi Reported in 2017(2) TNMAC 609(SC)** a sum of Rs.15,000/- is fixed towards loss of estate and a sum of Rs.15,000/- is fixed towards funeral expenses and Rs.40,000/- is fixed towards parental consortium to the petitioners and 5th respondent each. And the compensation is fixed as below:

Loss of Dependency	2,70,000/-
Loss of Estate	15,000/-
Funeral Expenses	15,000/-
Parental consortium to the petitioners and 5 th respondent	2,00,000/-
Total	5,00,000/-

(iv) In total, the petitioners and 5th respondent are entitled to get a sum of **Rs.5,00,000/-(Rupees Five Lakhs Only)** as just compensation. Out of this amount, the petitioners and 5th respondent are entitled to get a sum of Rs.1,00,000/- each. Thus, Point No.4 is answered.

10) In the result,

(i) This petition is partly allowed in favour of petitioners and 5th respondent with proportionate costs against the 1st, 2nd, 4th respondents and dismissed against the 3rd respondent.

(ii) The petitioners and 5th respondent are entitled for the just compensation of **Rs.5,00,000/-(Rupees Five Lakhs Only)** payable with interest at 7.5% per annum from the date of filing of the petition i.e from **16.06.2014** till the date of realization with costs. Out of this amount, the petitioners and 5th respondent are entitled to get a sum of Rs.1,00,000/- each.

(iii) The 4th respondent is directed to deposit the said amount to the credit of the Bank account of the **Additional District Judge (MACT), Tenkasi in the Account No.6551027090** maintained at **Indian Bank, Tenkasi, IFSC Code No.IDIB000T009, V.Collect No.V00602** 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 and later recover the amount from the 2nd respondent.

(iv) The compensation amount of the petitioners and 5th respondent shall be deposited in anyone of the Nationalized Bank for a period of three years. Thereafter, the compensation amount shall be transferred to the their respective Bank account.

(v) In view of the direction issued by the Hon'ble Division Bench of the High Court of Madras in C.M.A. No. 428 of 2016 dated 11.03.2016, the petitioners and 5th respondent are hereby directed to furnish copy of Adhar card, attested copy of the first page of Bank Pass Book and self attested copies of PAN Card to this Tribunal within a period of one month.

(vi) Advocate fee for the petitioners is fixed as **Rs.12,500/-**.

(vii) The Court fee paid along with the petition is **1/-**. The Court fee for the award amount for the petitioners is **Rs.3,372.50**. The deficit court fee of **Rs.3,371.50** shall be paid by the petitioners within two weeks from the date of order.

(viii) The court fee for the award amount of the 5th respondent is **Rs.372.50** and the 5th respondent shall pay the said amount within two weeks from the date of order.

(ix) The petitioners and 5th respondent shall not be entitled to withdraw the sum deposited pursuant to the award unless balance of Court fee is deposited as directed by this Tribunal.

(x) The 4th Respondent is also directed to pay the Advocate fees, Court fees amount and the cost list amount to the petitioners.(Cost fixed as Rs.19.50).

(xi) As per the Order of Hon'ble Madras High Court in Tr.Cmp.Nos.264 to 281 of 2020 M/s. Cholanmandalam Ms General Insurance Company Ltd., Vs. Ayyanar and others, dated 11.5.2020, no separate Decree passed.

Cost

1.Vakkalat	Rs. 5.00
2.Stamp on Petition	Rs. 1.00
3.Batta memo	Rs. 13.50

Total	Rs. 19.50

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

Motor Accident Claims Tribunal Authority,
Additional District Judge,
Tenkasi.

Petitioners' Side Witnesses:

P.W.1 Tr. Raja (3rd petitioner)
P.W.2 Tr. Saravanan

Petitioners' Side Exhibits:

Ex.P1	08.09.2013	Copy of FIR in Courtallam P.S.Cr.No. 355/2013
Ex.P2	13.09.2013	Copy of Accident Register
Ex.P3	--	Copy of MVI Report
Ex.P4	--	Copy of Insurance Policy of the vehicle TN 76 L 1229
Ex.P5	24.09.2013	Copy of death certificate
Ex.P6	--	Copy of insurance policy of the vehicle of victim late.Sankarapandian
Ex.P7	--	Copy of R.C.Book of the vehicle TN 76 P 9896
Ex.P8	--	Copy of Rough Sketch

Ex.P9	13.09.2013	Copy of Postmortem Certificate
Ex.P10	--	Copy of Aadar Card of 3 rd petitioner

4th Respondent's side Witnesses:

R.W.1 Tmt. Saraswathi, Junior Assistant, R.T.Office, Tenkasi

R.W.2 Thiru.Deepak, Legal Manager, TATA AIG General Insurance Company Ltd., Madurai.

4th Respondent's side Exhibits:

Ex.R1	23.01.2026	R.T.Officer letter
Ex.R2	--	Copy of insurance policy of the vehicle TN76 L 1229
Ex.R3	07.12.2013	Copy of charge sheet
Ex.R4	--	Copy of legal notice with postal receipt sent to 1 st respondent
Ex.R5	--	Copy of legal notice with postal receipt sent to 2 nd respondent
Ex.R6	--	Acknowledgement card
Ex.R7	--	Acknowledgement card

3rd and 5th Respondents' side Witnesses, Exhibits: Nil

Motor Accident Claims Tribunal Authority,
Additional District Judge,
Tenkasi.

Additional District court (FTC),
Tenkasi
M.C.O.P.No.40/2019
Dt.30.06.2026
Order
Draft/Fair