

BEFORE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TENKASI

ADDITIONAL DISTRICT COURT(FTC), TENKASI

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

Thursday, the 4th Day of June 2026

M.C.O.P. No.301/2020

(CNR No.TNTS01-000471-2020)

1. Jahan Beevi, Aged 47 years, W/o. Abubacker Sidick, residing at Door No. 3/228, Thanthiriyar Street, Visuvanathapuram, Periapillaivalasai Village, Sengottai Circle, Tenkasi District.
2. Abubacker Sidick, Aged 54 years, S/o. Samsudeen, residing at Door No. 3/228, Thanthiriyar Street, Visuvanathapuram, Periapillaivalasai Village, Sengottai Circle, Tenkasi District.
3. Aashik, Aged 22 years, S/o. Abubacker Sidick, residing at Door No. 3/228, Thanthiriyar Street, Visuvanathapuram, Periapillaivalasai Village, Sengottai Circle, Tenkasi District.

....Petitioners

/Vs/

1. Subramanian, Aged about 45 years, S/o. Muthusamy, residing at Door No.31, Mangattu Street, Sankar Nagar, Pasupathivalaiyam, Karur, Karur District.
2. Reliance General Insurance Company Limited having its office at Door No. 43B, Sri Abirami Towers 2nd Floor, Cowly Brown Road, R.S.Puram, Coimbatore, Coimbatore District through the Divisional Manager.
3. Sriram General Insurance Company Limited having its office at Door No. 25, B2/1S, 2nd Floor, SRC Complex North Block, S.N. High Road, Tirunelveli Town, Tirunelveli 627 001, Tirunelveli District.

....Resopndents

This Claim Petition came before this Tribunal for final hearing on 03.04.2026 in the presence of Thiru.K.P.Kumar, Advocate for the petitioners, Thiru.J.Samudeen, Advocate for 2nd respondent, Thiru.S.Sankarasubramanian, Advocate for 3rd respondent, 1st respondent 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.1,00,00,000/- with interest for the death of one Rasheem, son of 1st and 2nd petitioners, brother of 3rd petitioner, who died in a road accident that took place on 29.07.2020.

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

On 29.07.2020 at 8.20 P.M., victim Rasheem was riding his Honda Shine two wheeler bearing Reg.No.TN 76 AM 3865 on Sengottai – Ilathur road from south west to north east direction in slow speed, with care and control, observing traffic rules and regulations on the left side of the road. When the victim was proceeding near Seevanallur bus stop, ahead of victim's two wheeler, the 1st respondent drove his lorry bearing Reg.No.TN 47 T 1225 in a rash and negligent manner and without showing proper indication, suddenly parked the lorry on the middle of the road. Hence, the victim's two wheeler dashed against the rear side of the lorry. In the accident, the victim sustained grievous injuries and was admitted in Tenkasi Govt. Hospital and after first aid treatment, he was admitted in Tirunelveli Medical College Hospital and intensive treatment was given. However, his life could not be saved and he succumbed to his injuries on 03.08.2020. The accident happened due to the rash and negligent act of the 1st respondent and FIR has been registered against the 1st respondent in in Ilathur P.S.Cr.No. 131/2020 u/s 279, 338, 304(A) IPC. The 1st respondent is the owner cum driver of the lorry, 2nd respondent is the

insurer of the 1st respondent's vehicle and 3rd respondent is the insurer of victim's vehicle. The 1st and 2nd petitioners are parents of the victim and 3rd petitioner is the brother of victim Rasheem. Therefore, all the respondents are liable to pay compensation to the petitioners jointly or severally. Hence, the petitioners have filed this petition for claiming compensation against the respondents.

3) Briefly stated averments in the Counter Statement filed by the 2nd respondent are as follows:

The Claim petition filed by the petitioners is not maintainable either in Law or on facts. The narration about the occurrence stated in the petition is absolutely false and frivolous and incorrect one. In fact the 1st respondent's vehicle was parked on the extreme left side of the road by taking much care with indications and the victim drove the motorcycle at a high speed and dashed against the parked lorry. But, the petitioners by colluding with the police have created a false story against the 1st respondent. The 1st respondent was not holding a valid and effective driving license at the time of accident. The compensation amount claimed under various heads is very high. Hence, the petition is to be dismissed with cost.

4) 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 3rd respondent denied the age, income and occupation of the victim. The accident happened only due to the rash and negligent driving of the 1st respondent and FIR has been registered against the 1st respondent in Ilathur P.S.Cr.No.131/2020 u/s 279, 338, 304(A) IPC. Hence, the 1st and 2nd respondents are liable to pay compensation to the petitioners. The compensation amount claimed under various heads is highly excessive. Hence, this petition is to be dismissed with cost.

5) Points:

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

6) During enquiry, the 1st petitioner was examined as P.W.1 and Ex.P1 to Ex.P8 were marked. One Tr. Magthum and one Tr.Bakruthin Bava were examined as P.W.2 and P.W.3 respectively and no exhibits were marked through them. On the side of 2nd respondent, Tr. Kuthpudeen, H.C.Ilathur P.S. was examined as R.W.1 and Ex.R1 series was marked through R.W.1. On the side of 3rd respondent, no witness was examined and no exhibit was marked.

7) Point No.1,2 and 3:

(i) It is the case of the petitioners that on 29.07.2020 at 8.20 P.M., victim Rasheem was riding his Honda Shine two wheeler bearing Reg.No.TN 76 AM 3865 on Sengottai – Ilathur road from south west to north east direction in slow speed, with care and control, observing traffic rules and regulations on the left side of the road. When the victim was proceeding near Seevanallur bus stop, ahead of victim's two wheeler, the 1st respondent drove his lorry bearing Reg.No.TN 47 T 1225 in a rash and negligent manner and without showing proper indication, suddenly parked the lorry on the middle of the road. Hence, the victim's two wheeler dashed against the rear side of the lorry. In the accident, the victim sustained grievous injuries and was admitted in Tenkasi Govt. Hospital and after first aid treatment, he was admitted in Tirunelveli Medical College Hospital and intensive treatment was given. However, his life could not be saved and he succumbed to his injuries on 03.08.2020. The accident happened due to the rash and negligent act of the 1st respondent and FIR has been registered against the 1st respondent in in Ilathur

(ii) In order to prove the claim of the petitioners, the 1st petitioner was examined as P.W.1 and in her proof affidavit, even though she has stated regarding the manner in which the accident took place, she is not the eye witness to the accident. And the eye witnesses are examined as P.W.2, P.W.3. And P.W.2 in his proof affidavit has stated regarding the manner in which the accident took place which is extracted hereunder:

"கடந்த 29.07.2020 ம் தேதியன்று ரஷீம் என்பவர் தனது கோழிப்பண்ணைக்கு செல்ல வேண்டி அவருக்கு பாத்தியப்பட்ட டி.என்.76 ஏஎம் 3865 என்ற பதிவு எண் கொண்ட ஹோண்டா லைன் இரு சக்கர வாகனத்தினை செங்கோட்டை - இலத்தூர் ரோட்டில் தென்மேற்கிலிருந்து வடகிழக்காக கவனமாகவும், சாலை விதிகளை கடைபிடித்தும், மெதுவாகவும், ஹாரன் அடித்துக் கொண்டும் மேற்படி ரோட்டில் சீவநல்லூர் பேருந்து நிறுத்தம் அருகில் இரவு 8.20 மணிக்கு மெதுவாக ரோட்டின் இடது ஓரமாக ஓட்டிச் சென்று கொண்டிருக்கும்போது, மேற்படி அதே ரோட்டில் ரஷீமுக்கு முன்பாக 1ம் எதிர்மனுதாரர் தனக்கு பாத்தியப்பட்ட டி.என்.47 டி 1225 என்ற பதிவு எண் கொண்ட லாரியை அதிவேகமாகவும், அஜாக்கிரதையாகவும், சாலை விதிகளுக்கு புறம்பாகவும், சாலை விதிகளை கடைபிடிக்காமலும் ஓட்டிச் சென்று மோட்டார் வாகன சட்ட விதிகளுக்கு விரோதமாக யாதொரு பாதுகாப்பு சமிக்ஞை செய்யாமலும், யாதொரு சிக்னல் எதுவும் செய்யாமலும் திடீரென மேற்படி லாரியை நடுரோட்டில் நிறுத்தி விட்டதால், அந்நேரம் மெதுவாகவும், கவனமாகவும் டி.என்.76 ஏஎம் 3865 என்ற பதிவு எண் கொண்ட இரு சக்கர வாகனத்தினை ஓட்டி வந்த ரஷீமின் இரு சக்கர வாகனம் மேற்படி லாரியின் பின்புறமாக மோதி விபத்து ஏற்பட்டு விட்டது."

Further P.W.3, another eye witness to the occurrence in his proof affidavit has stated regarding the manner in which the accident took place which is extracted hereunder:

"மேற்படி விபத்து சமயம் நான் கலக் ஷனுக்காக எனது பெரியம்மா மகன் அப்துல் ரகுமானை பின்னால் அமர வைத்துக் கொண்டு எனது இரு சக்கர வாகனத்தில் சென்று கொண்டிருந்தபோது, அந்த வழியாக வந்த எனது மாமா மகன் ரஷீம் அவருடைய டி.என். 76 ஏம் 3865 என்ற ஹோண்டா லைன் பைக்கில் வந்தார். அவர் என்னிடம் பேசிவிட்டு பின்னர் பொய்கையில் உள்ள அவரது கோழிப்பண்ணைக்கு செல்வதாக கூறிவிட்டு சென்றார். நான் என்னுடைய பைக்கில் எனது வேலை

காரணமாக அவரது பின்னால் சீவநல்லூர் பஸ் நிறுத்தம் தாண்டி தென்மேற்கிலிருந்து வட கிழக்காக சென்று கொண்டிருந்தபோது இரவு சுமார் 8.30 மணியளவில் டி.என்.47 டி. 1225 என்ற எண் கொண்ட லாரி எந்தவொரு சிக்னலும் செய்யாமலும், சாலை விதிகளை கடைபிடிக்காமலும், சமிக்ஞை செய்யாமலும் ரோட்டின் இடது பக்கம் நிறுத்தி வைத்திருந்தனர். மேற்படி லாரியில் மோதி ரஷீம் கீழே விழுந்ததில் அவருக்கு தலையில் ரத்தக் காயமும், இடது கண்ணுக்கு மேல் ரத்தக் காயமும், கீழ் உதட்டில் ரத்தக் காயமும், உடம்பில் பல இடங்களில் ரத்தக் காயமும் ஏற்பட்டது. நான் உடனே அவரது பெற்றோருக்கு தகவல் சொல்லிவிட்டு, நானும், அக்கம் பக்கத்தில் இருந்தவர்களும், என்னுடன் வந்த அப்துல் ரகுமானும், த.மு.மு.க ஆம்புலன்சுக்கு போன் செய்து, ஆம்புலன்ஸ் வரவும், அவரை தென்காசி அரசு மருத்துவமனைக்கு கொண்டு போய் சேர்த்தேன். மேற்படி விபத்தானது 1ம் எதிர்மனுதாரர் கவனக்குறைவாக சாலைவிதிகளை கடைபிடிக்காமல், போதிய பாதுகாப்பு இல்லாமல், இரவு நேரத்தில் சமிக்ஞை (சிவப்பு விளக்கு) எதுவும் செய்யாமல் மேற்படி லாரியினை ரோட்டில் நிறுத்தி இருந்ததால் ஏற்பட்டது. “

In this regard, FIR has been registered against the 1st respondent in Ilathur P.S.Cr.No. 131/2020 u/s 279,338 IPC on the basis of the complaint given by P.W.3 and the copy of FIR has been marked as Ex.P1. The learned counsel for the 2nd respondent has argued that the victim had ridden his two wheeler in a rash and negligent manner and dashed against the 1st respondent's lorry which was parked on the left side of the road with proper indication and examined the H.C. of Ilathur P.S. namely Tr. Kudpudeen as R.W.1 and marked the copy of M.V.I.Report of 1st respondent and victim's vehicle, rough sketch and charge sheet as Ex.R1 series and therefore the 1st respondent is not responsible for the accident. But, from the evidence of P.W.2 and P.W.3 it is evident that the 1st respondent had parked the lorry on the road in the night hours without proper indication which shows the negligence of the 1st respondent. Further, from Ex.R1, it is evident that the charge sheet has been filed against the 1st respondent and he has not taken any steps to quash the criminal proceedings filed against him. Moreover, the 1st respondent had not appeared before this Tribunal and he remained exparte. Therefore, from Ex.P1, Ex.R1 and from the testimony of P.W.2, P.W.3 and in the absence of contra evidence, it is concluded that the accident on 29.07.2020 happened due to the

negligent act of the 1st respondent.

(iii) The petitioners' learned counsel has argued that the 1st, 2nd petitioners are the mother and father of the victim and 3rd petitioner is the brother of victim and he is an unmarried person and therefore they are entitled to get compensation. The respondents did not deny that the petitioners are the dependants of victim Rasheem. Therefore, this Tribunal concludes that the petitioners are entitled to get compensation.

(iv) Regarding liability, it has been decided by this Tribunal that the accident happened due to the rash and negligent driving of the 1st respondent. From the copy of M.V.I. Report of the lorry bearing Reg.No. TN 47 T 1225, It is evident that the 1st respondent is the owner and driver of the said lorry which was insured with the 2nd respondent till 07.08.2020. The accident happened on 29.07.2020. Thus, the 1st respondent's vehicle had valid insurance at the relevant period. Therefore, this Tribunal concludes that the insurer of the 1st respondent's vehicle, i.e., the 2nd respondent is liable to pay compensation to the petitioners. Accordingly Point No. 1,2 and 3 are answered.

8) Point No.4: (i) The petitioner's learned counsel has argued that at the time of accident the victim was a diploma holder of aged 22 years and he was running poultry farm and also selling foreign cosmetic goods through which he earned Rs.70,000/- per month, therefore the compensation is to be fixed considering the above facts. In order to substantiate the qualification, occupation and income of the victim, the petitioners have marked the copy of payment details report of the poultry farm dt. 19.05.2023 as Ex.P6 and copy of T.C. of the victim as Ex.P7. From Ex.P6 it is evident that the victim was a diploma holder in Petrochemical Engineering. At the same time, the petitioners have not marked any document to prove the occupation and income of victim other than Ex.P6 which is of the year 2023. The accident happened in the year 2020. Anyhow considering the age of victim was 25 years (As per Ex.P6 the date of birth of victim is 27.07.1995), his

educational qualification, year of accident(2020) and other facts, this Tribunal is inclined to fix a sum of Rs.13,000/- 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 25 years, the relevant Multiplier is 18 and **as per the decision in National Insurance Company Ltd., Vs Pranay Sethi Reported in 2017(2) TNMAC 609(SC)** 40% of income would be added towards future prospects and 1/2 of the income would be deducted towards personal expenses, since the victim was a bachelor at the time of accident Accordingly, the loss of dependency is calculated as follows:

Notional Income	Rs.13,000/-
Add: Future Prospects at 40%	Rs.13,000/- + Rs.5,200/- = Rs.18,200/-
Deduct: 1/2 of the Income.	Rs.18,200/- - Rs.9,100/-
Monthly Income	Rs.9,100 /-
Loss of Dependency	Rs. 9,100/- x 18 x 12 = Rs. 19,65,600/-

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 a sum of Rs. 40,000/- is fixed towards filial consortium to the 1st and 2nd petitioners each and a sum of Rs.40,000/- is fixed towards loss of love and affection to the 3rd petitioner. And the compensation is fixed as below:

Description of Head	Amount in Rs.
Loss of Dependency	19,65,600/-
Loss of Estate	15,000/-
Funeral Expenses	15,000/-
Filial Consortium to the 1 st and 2 nd petitioners	80,000/-
Loss of love and affection to 3rd petitioner	40,000/-
Total	21,15,600/-

iv) In total, the petitioners are entitled to get a sum of **Rs.21,15,600/-(Rupees Twenty One Lakhs Fifteen Thousand Six Hundred Only)** as just compensation. Out of this amount, the 1st and 2nd petitioners are entitled to get a sum of Rs.9,57,800/- each and 3rd petitioner is entitled to get a sum of Rs.2,00,000/-. Thus Point No.4 is answered.

9) In the result,

(i) This petition is partly allowed with proportionate costs against the 1st and 2nd respondent and dismissed against the 3rd respondent.

(ii) The petitioners are entitled for the just compensation of **Rs.21,15,600/-(Rupees Twenty One Lakhs Fifteen Thousand Six Hundred Only)** payable with interest at 7.5% per annum from the date of filing of the petition i.e from 30.09.2020 till the date of realization with costs. Out of this amount, the 1st and 2nd petitioners are entitled to get a sum of Rs.9,57,800/- each and 3rd petitioner is entitled to get a sum of Rs.2,00,000/-.

(iii) The 2nd 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 thirty days from the date of this order and intimate the said deposit details to this Tribunal.

(iv) The compensation amount of the petitioners shall be transferred to the petitioners' Bank account on filing of appropriate petition before this Tribunal.

(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 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 is fixed as **Rs.29,656/-**.

(vii) The Court fee paid by the petitioner along with the petition is **20/-**. The Court fee for the award amount is **Rs.20,528.50**. The deficit court fee of **Rs.20,508.50** shall be paid by the petitioners within two weeks from the date of order.

(viii) The petitioners 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.

(ix) The 2nd Respondent is also directed to pay the Advocate fees, Court fees amount and the cost list amount to the petitioner and Advocate fee, Court fee amount to the petitioners.(Cost Rs.30/-).

(x) 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. 10.00
2.Stamp on Petition	Rs. 20.00
3.Batta memo	Rs. --

Total	<u>Rs. 30.00</u>

Dictated to the Steno-Typist, directly typed by her in the computer, corrected and pronounced by me in the open court on this, the 4th Day of June 2026.

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

Petitioners' Side Witnesses:

P.W.1 Tmt. Jahan Beevi (1st petitioner)

P.W.2 Tr. Magthum

P.W.3 Tr. Bakruthin Bava

Petitioners' Side Exhibits:

Ex.P1	Copy of FIR in Ilathur P.S.Cr.No. 131/2020 dt. 29.07.2020
Ex.P2	Copy of Postmortem Certificate of victim Rasheem
Ex.P3	Copy of Insurance policy of the vehicle TN 47 T 1225
Ex.P4	Copy of R.C. Book of the vehicle TN 47 T 1225

Ex.P5	Copy of driving license of 1 st respondent
Ex.P6	Copy of payment details report
Ex.P7	Copy of Transfer Certificate of victim Rasheem (Compared with the original)
Ex.P8	Copy of passport of victim Rasheem(compared with the original)

2nd Respondent's side Witnesses:

R.W.1 Tr. Kudpudeen, H.C., Ilathur P.S.

2nd Respondent's side Exhibits:

Ex.R1 series – True copy of M.V.I. Reports of the vehicles, rough sketch and charge sheet

3rd Respondent's side Witnesses,Exhibits: Nil

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

Additional District court (FTC),
Tenkasi
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Draft/Fair