



**MOTOR ACCIDENT CLAIM TRIBUNAL, TIRUNELVELI
(I ADDITIONAL DISTRICT COURT, TIRUNELVELI)**

**PRESENT:- Thiru. D. Selvam, M.L.,
Motor Accident Claim Tribunal Judge/
1st Additional District Judge,
Tirunelveli.**

Monday, the 20th day of April 2026

Motor Accident Claims Original Petition No. 245/2023
(CNR No:TNTL010139482022)

(a) Name and Address of the Claimant/Petitioner	Soolamadathi, W/o. Late Velusamy, Aged. 59 years and residing at No. 22, Krishnan Kovil North Street, Krishnapuram, Tenkasi District – 627 759.
(b) Name and Address of the Respondents	1. Tamilnadu State Transport Corporation Limited, through its Managing Director, Office at Virudhunagar. 2. Tamilnadu State Transport Corporation Ltd., through its Managing Director, No.2, Trivandrum Road, Vannarpettai, Tirunelveli.
(c) Name and Address of the Insurance Company.	---
Date of filing of the claim petition	07.11.2022, 16.12.2022, 06.01.2023, 06.02.2023.
Date of Award	20.04.2026
Amount of Award	Rs. 20,96,000/-
Interest rate applicable	7.5%
Date(s) from which interest is payable	From the date of presentation of this petition till realization.



Costs, if any	Stamp on vakalath – Rs. 10.00 Balance Tribunal fee – Rs. 19,960.00 Advocate fee - Rs. 29,460.00 ----- Rs. 49,430.00 -----
In cases where the compensation, interests, and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of the award, interests, and costs.	The petitioner is entitled to get an award of Rs. 20,96,000/-in total, and the award amount shall be payable by the 1 st respondent along with the interest at the rate of 7.5% from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).
In Cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The petitioner is entitled to Rs. 11,69,000/- with proportionate interest and cost.
The mode and manner of deposit of compensation And The mode and manner of disbursement	As per the Judgment of the Hon'ble Supreme Court in PARMINDER SINGH VS. HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated. 18.03.2025 , the tribunals are directed to pass an award by ordering the insurance company to transfer the award amount into the Bank account of the claimant after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the 1 st respondent is directed to transfer the award amount to the Claimant (s) Bank Account.
The period of default to which the	-Nil-



petitioners are not entitled for interest, if any	
Balance of Tribunal Fee	Rs. 19,960/-
<u>Award passed in the format as directed by the Honourable High Court in M/s Cholamandalam MS/General Insurance Co., Ltd., Vs. Ayyanar and others Tr.CMP.Nos. 264 of 2020 dated 11.05.2020.</u> In the above Judgment at Paragraph No.28(a)(b), it read as (a) The process of drafting decrees for awards passed in motor vehicles, cases, both at the level for the Claims Tribunal throughout the State of Tamil Nadu and at the appellate level, shall cease forthwith. (b) The Claims Tribunal shall arrange to deliver free copies of the award to the parties concerned within 15 days from the date of the award as contemplated by Section 168(2) of the Act and 20(6) of the Rule. In view of the above judgment, there is no need to prepare or draft the Decree for this award, and further, all the parties are entitled to get free copies of the award as per Section 168(2) of the Act and 20(6) of the Rule.	

Soolamadathi

... Petitioner

// Versus //

1. Tamilnadu State Transport Corporation Ltd..
through its Managing Director, Virudhunagar.
2. Tamilnadu State Transport Corporation Ltd..
through its Managing Director, Tirunelveli.

... Respondent

This Petition came before this Tribunal on 02.04.2026 for a final hearing in the presence of Thiru. R. Seethalakshmi, Advocate for the Petitioner and Thiru. V.



Sasitharan, Advocate for the 1st and 2nd Respondents, and upon hearing the arguments of both sides and on perusing the records and having stood over till this date for consideration, this court delivered the following ...

ORDER

1. Prayer: -

This Petition has been filed by the Petitioner under section. 166 of the Motor Vehicles Act, claiming compensation of Rs. 25,00,000/- with 12% interest with costs on the death of the deceased/Krishnamoorthy, from the date of the petition till realization, and such other reliefs.

2. The brief averments of the petition are as follows: -

(i) The petitioner is the mother of the deceased/Krishnamoorthy. On 25.08.2022 at about 8:30 P.M, the deceased was riding his motorcycle bearing registration no. TN 76 AR 0785 from north to south on the left side of the Tenkasi – Madurai main road near Kuthukalvalsasai Anjaneyar Temple by wearing a helmet. At that time, a Bus bearing registration number TN 67 N 0904 belonging to the 1st respondent came from the opposite direction without sounding the horn by overtaking a vehicle, with a high speed rashly and negligently came to the extreme right side and hit the motorcycle. As a result, the deceased was thrown



off the motorcycle and fell on the road sustaining serious injuries, and he was immediately taken to Govt. Hospital at Tenkasi, but on the way to the hospital, he succumbed to his injuries.

(ii) The Tenkasi Police have registered a criminal case under Section. 279 & 304(A) of the IPC in Cr. No. 460/2022 against the driver/1st respondent, and the case is pending before the Judicial Magistrate, Tenkasi.

(iii) The deceased was 31 years old, and he was working as coolie and earned a sum of Rs. 15,000/- per month at the time of the accident.

(iv) The accident occurred due to the rash and negligent driving of the driver of the 1st respondent. Hence, the respondents are liable to pay the compensation amount as claimed by the petitioner.

(v) The petitioner estimates the compensation in several heads and their loss and expenses on account of the accident and death of the deceased at Rs. 38,80,000/-. But, the petitioner restricted their claim to a sum of Rs. 25,00,000/-. They will get a lump sum amount in the event of an award of compensation by the tribunal. Hence, the respondent is responsible for paying compensation to the petitioner.



3. The brief averments of the counter filed by the 1st respondent is as follows:-

The claim petition is not maintainable either in law or on the facts. The respondent denied the averments contained in the affidavit, except for the admitted facts. The petitioner is not entitled to the reliefs prayed for. The 1st respondent driver is driving the bus slowly and cautiously by observing all the traffic rules and regulations of the road. The deceased was riding a motorcycle in a rash and negligent manner at a terrific speed and had no headlight on his Motorcycle without wearing a helmet, and the petitioner did not have a proper license and drunken mode with using a cell phone. So, the deceased, without noticing the coming vehicles from the main road, dashed against the 1st respondent's bus. The Insurance company for two-wheeler is not added. So, the petition is bad for non-jointer of necessary parties. The 1st respondent is not liable to pay the compensation to the petitioner. The claim amount is excessive in the calculation of different heads. Hence, the petition is not maintainable, and it may be dismissed with costs.

4. The brief averments of the counter filed by the 2nd respondent is as follows:-



The claim petition is not maintainable either in law or on the facts. The respondent denied the averments contained in the affidavit, except for the admitted facts. The petitioner is not entitled to the reliefs prayed for. The claim under section 166 of the Motor Vehicles Act, it is necessary to plead and prove that the accident was a result of some actionable negligence of the insured's driver. This respondent is in no way responsible for the petition. Since the transport corporation is divided into 8 regions and the 1st respondent belongs to the Madurai region, this petition is not maintainable. Further, this tribunal has no jurisdiction to decide the issue on account of the accident and the address of the parties. The accident took place only due to the rash and negligent driving of the deceased. The 2nd respondent is not liable to pay the compensation to the petitioner. The claim amount is excessive in the calculation of different heads. Hence, the petition is not maintainable, and it may be dismissed with costs.

5. The points for consideration in the case are:-

- (1) Whether the accident had taken place due to the rash and negligent driving of the driver of the 1st respondent?
- (2) Whether the respondent liable to pay the compensation as claimed by the petitioners?
- (3) If so, what is the amount of compensation the petitioner is entitled to?



6. During the enquiry, the petitioner, Miss. Rajeswari was examined himself as PW-1 and Ex. P-1 to Ex. P-3 was marked. Mr. Ramamoorthy was examined as PW-2 and Ex. X-1 was marked. Mr. Muniyandi was examined as RW-1 and Ex. X-2 was marked. The petitioner filed a memo with their Legal heir certificate, Bank Passbook, and Pan Card, which were recorded and marked as Ex. P-4 to Ex. P-6.

7. Points No. 1 and 2:-

(i) Heard both sides. This court carefully perused the petition, counter, oral, and documentary evidence.

(ii) Manner of Accident:

(a) As per the evidence of the PW-1 and the Ex. P-1 FIR, the accident happened on 25.08.2022 at about 8.3 P.M the deceased was riding his motorcycle bearing registration no. TN 76 AR 0785 from north to south on the left side of the Tenkasi – Madurai main road near Kuthukalvalsasai Anjaneyar Temple by wearing a helmet. At that time, a Bus bearing registration number TN 67 N 0904 belonging to the 1st respondent came from the opposite direction with high speed and, overtaking a vehicle going ahead in a high speed rashly and negligently, came to the extreme right side and hit the motorcycle. As a result, the deceased



was thrown off the motorcycle and fell on the road sustaining serious injuries, and he was immediately taken to the government. Hospital at Tenkasi, but on the way to the hospital, he succumbed to his injuries. The death was confirmed through the Ex. P-2 Postmortem certificate.

(b) The PW-1 is the mother of the deceased and a hearsay witness in this case. The PW-2 claimed to be the eyewitness to the accident. But his name does not appear in the police investigation reports. But he had the chance to see the accident. On verification of the records, the accident was caused by the 1st respondent's driver's negligence and dashed the deceased. The driver of the bus may have a chance to stop the bus, at the time of overtaking another vehicle, he may avoid the accident, but unfortunately, the accident happened. The PW-2 deposed that the accident occurred due to the negligence of the 1st respondent's vehicle driver, the deceased fell on the road, and died, which corroborates the Ex. P-1 F.I.R.

(c) The respondents took the defence that the accident happened due to the negligence of the deceased, the deceased was riding a motorcycle, in a rash and negligent manner in terrific speed and no headlight on his Motorcycle without wearing Helmet and petitioner have not a proper license and drunken mode with



cell phone spoke. So, the deceased, without noticing the coming vehicles from the main road, dashed against the 1st respondent's bus. The RW-1, who is the conductor of the bus, deposed the evidence. But this tribunal felt that the conductor had no chance to see the accident directly, since he had to do some work for the collection of the ticket.

(d) Under these circumstances, the counsel for the petitioner relied the citation as

“The Managing Director, Tamil Nadu State Transport Corporation Ltd., Kumbakonam (DVN II), Trichy (Vs.) Latha and others, 2013(2) TN MAC 253, High Court of Madras”

“NEGLIGENCE – Finding of – Challenge to – Deceased proceeding in his TVS-50 from west to east – Transport Corporation Bus coming from east to west in rash and negligent manner, dashed against deceased as per evidence of PW-2, an eyewitness – RW-1 Conductor of Bus stating that rider of TVS-50 came in high speed and dashed against Bus headlight and fell down – However, no document to show that RW-1 was on duty as a Conductor on date of occurrence – RW-1 also conceded that Transport Corporation’s Engineer though prepared Rough Sketch and Report, same not filed before court – Vital documents having been suppressed, High Court drawn adverse inference invoking Section 114(g) of Evidence Act – Further no reason assigned for non-examination of Bus driver – FIR registered against Bus driver and Charge-sheet also filed against him – Driver being a vital witness, adverse inference drawn for his non- examination also – Finding of negligence arrived by Tribunal as against Bus driver upheld in view of evidence of Pws.2 & 4 & Exs. P-1, P-13 & P.14”

“The Managing Director, Tamilnadu State Transport Corporation Ltd., Div. I, Coimbatore (Vs.) Chinnammal and others, 2012(2) TN MAC 187, High Court of Madras”

NEGLIGENCE – Finding of – Challenge to – Deceased while proceeding in TVS-50,



hit by Transport Corporation Bus coming from opposite direction – Evidence of eyewitness PW-2 and First Information Report revealing that Accident occurred only due to rash and negligent driving of Bus driver – Bus driver not examined – No reason for non-examination of Bus driver – Conductor of Bus alone examined as RW-1- RW-1 deposed contrary to averments in counter – Finding of Tribunal holding Bus Driver rash and negligent upheld.

As per the citation, the driver of the bus has not come forward to give evidence. It can be taken as an adverse presumption. If the 1st respondent's driver had been a conciseness drove the vehicle, he may have avoided dashing into the two-wheeler and the accident. So, the respondents' objections are rejected. So, the plea of contributory negligence in the accident is also rejected. So, this Tribunal holds that the 1st respondent is liable to pay the compensation to the petitioner. Accordingly, points no. 1 and 2 are answered.

8. Answer to Point No. 3: -

(i) Dependents of the deceased:

The petitioner is the mother of the deceased. There is no dispute that the petitioner is the legal heir of the deceased Krishnamoorthy as per the Ex. P-4 legal heirship certificate, and the respondents are also not opposed to the relationship between the deceased and the petitioner.

(ii) Age of the deceased and Multiplier:

The petitioner has specifically stated that at the time of the accident, the



deceased's age was mentioned in the Ex. P-2 postmortem certificate is 31 years old. So, this Tribunal considered the judgment of the Hon'ble Supreme Court held in "***Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, Civil Appeal No.3483 of 2008 dated:15.04.2009***", and decided that the age of the deceased is 31 years on the date of death and the multiplier is 16 applied in this case.

(iii) Income of the deceased:

(a) As per the PW-1 evidence, the deceased was working coolie and earning Rs. 15,000/- per month. But no such documents were filed. In this regard, this court has seen the judgment of the Hon'ble Madras High Court in

"Cholamandalam Ms General Insurance ... vs S.Rathinakumari on 9 April, 2018, Madras High Court"

7. In the said circumstances, considering the nature of coolie work done by the deceased, the trial Court has determined the monthly income of the deceased as Rs. 10,000/-. We also considered the said fact and other circumstances and the prevailing circumstances in and around the work of the deceased, and confirm the finding arrived by the Claims Tribunal and fix Rs. 10,000/- per month as notional income of the deceased.

As per the above Judgment, our Hon'ble High Court took the notional income of the coolie in the year 2018 as Rs. 10,000/-. So this tribunal took the account in the year 2022 for a sum of Rs. 15,000/- per month. Hence, the tribunal fixed the income of the deceased as Rs. 15,000/- per month by the age of 31 years old, as just and proper.

(b) Calculation of the compensation:

As discussed above, this tribunal holds that the petitioners are entitled to compensation as hereunder:-

1.	Deceased's name	Mr. Krishnamoorthy	
2.	Deceased age	31	Reference with Ex. P-2 Postmortem certificate
3.	Deceased employment	Coolie	---
4.	Income of the deceased	Rs. 15,000/-	Notional income
5.	Deceased's personal expenses	Dependent No. 1	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
6.	Net monthly income for calculation	Rs. 15,000 X 1/2 = Rs. 7,500/-	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
7.	Added the additional income from the private employment	Rs. 7,500/- X 40 % = Rs. 3,000/- + 7,500/- = 10,500/-	"National Insurance Co. (Vs.) Pranay Sethi & ors., (2017) 16 SCC 680."
8.	Net Annual income	Rs. 10,500/- X 12 = Rs. 1,26,000/-	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
9.	Multiplier	16	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
10.	Loss of Income/ Loss of Dependancy	Rs. 1,26,000/- X 16 = Rs. 20,16,000/-	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
11.	Funeral Expenses	Rs. 15,000	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
12.	Loss of estate	Rs. 15,000	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
13.	Spouse & Parental consortium	Rs. 40000 X 1 = Rs. 40,000/-	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
14.	Transport expenses	Rs. 10,000/-	"Sarla Verma & Ors. (Vs.) Delhi Transport Corporation & Another, (2009) 6 SCC 121"
	Total Income	Rs. 20,96,000/-	



As per the above calculation, the 1st respondent is liable to pay the compensation, a sum of Rs. 20,96,000/- with proportionate interest costs to the petitioner. Thus, Point No. 3 is answered accordingly.

9. In a result, this petition is partly allowed with proportionate costs:

(1) The petitioner is entitled to get an award of Rs. 20,96,000/- in total, and the award amount shall be payable by the 1st respondent along with the interest at the rate of 7.5 % from the date of presentation of the petition till the date of payment. (Excluding the period of dismissal for default, if any).

(2) Out of the above compensation amount, the petitioner is entitled to Rs. 20,96,000/- with proportionate interest and costs.

(3) The petitioner is directed to pay the balance Tribunal fee of Rs. 19,960/- within a period of 15 days, failing which they are not entitled to get interest till the payment of the court fee.

(4) As per the Judgment of the **Hon'ble Supreme Court in PARMINDER SINGH VS HONEY GOYAL AND OTHERS (S.L.P No. (C) No. 4484 of 2020) Dated 18.03.2025**, the tribunals are directed to pass an award by ordering the insurance company to transfer the award amount into the Bank account of the



claimant after ascertaining the payment of deficit court fee within 15 days and sent the intimation to the Tribunals. Accordingly, the 1st respondent is directed to transfer the award amount to the Claimant (s) Bank Account. The Petitioner's Account Number and IFSC Code are given as follows:-

Claimant Name	Bank and Account No.	IFSC Code
Soolamadathi	Indian Overseas Bank, District Court branch, Account No. 176601000022170	IOBA0001766

(5) Advocate fee is calculated as Rs. 29,460/-. This court directs the respondent to pay the advocate's fee to the counsel for the petitioners' account.

(6) There is no need to prepare of draft the decree for this award and further all the parties are entitled to get free copies of the award as per the Section 168(2) of the Act and 20(6) of the Rules, as per order passed by the Hon'ble High Court of Madras in M/s Choolamandalam MS General Insurance Co Ltd., (Vs.) Ayyanar and others – Judgment dated: 11.05.2020 in Tr.CMP. Nos. 264 to 281 of 2020.

This order is directly dictated to the Steno-typist, typed by her in a computer, and corrected and pronounced by me in the open Court, on this the 20th day of April 2026.

MOTOR ACCIDENT CLAIMS TRIBUNAL
JUDGE/ 1st ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

Petitioners' side witnesses:

PW-1	Mrs. Soolamadathi	Petitioner
PW-2	Mr. Ramamoorthy	Eye Witness

Petitioners' side documents:

Ex. P-1	26.08.2022	First Information Report	Photocopy
Ex. P-2	26.08.2022	Post-mortem certificate of the deceased Parvathi	Certified copy
Ex. P-3	---	Aadhaar card of the petitioner	Photocopy
Ex. P-4	19.02.2025	Legal Heir Certificate of the deceased Krishnamoorthy	Photocopy
Ex. P-5	---	Bank Passbook of the petitioner	Photocopy
Ex. P-6	---	Pan Card of the petitioner	Photocopy

Respondent side witnesses:

RW-1	Mr. Muniyandi	Conductor of the 1 st respondent
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Respondent side documents: NilWitness side documents:

Ex. X. 1	---	Aadhaar card of the PW-2	Photocopy
Ex. X. 2	---	Identity Card of the RW-1	Photocopy

MOTOR ACCIDENT CLAIMS TRIBUNAL
JUDGE/ I ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

TNTL010139482022



M.C.O.P No. 245/2023

Motor Accidents Claim Tribunal
1st Additional District Court,
Tirunelveli
MCOP No.245/2023
Draft/Fair Order
Dated: 20.04.2026