

**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
SPECIAL SUBORDINATE JUDGE, TIRUPATTUR**

**Present : Tmt.J.Nagalakshmi @ Vijayarani,B.A.,B.L.,
Motor Accident Claims Tribunal Authority,
Special Subordinate Judge, Tirupattur.**

Thursday, 26th day of March 2026

MCOP. No. 194 of 2025

C.N.R.No.TNTU04-000209-2025

(MCOP.No. 161/2022 on the file of III ADJ Court, Thirupathur)

1. Jayapriya,(32 years),
W/o.Late kumaravel.
2. Minor.Kanishkumar,(10 years),
S/o. Late Kumaravel.
3. Minor.Naveena,(8 years),
D/o. Late Kumaravel.
4. Minor.Dharshan,(6 years),
S/o. Late Kumaravel.(2nd and 4th Petitioners are Represented by
their Next friend Guardian Mother 1st Petitioner Jayapriya).
5. Yasodha,(62 years),
W/o. Late Gopalakannan.
All are residing at No.4/74 Ettikuppam Village,
Narayanapuram Post, Vniyambadi Taluk,
Tirupathur District.

...Petitioners

//vs//

The Managing Director,
Tamil Nadu State Transport Corporation Limited, Division – II,
Sathuvachari, Vellore.

... Respondent

MCOP NO.194/2025

26.03.2026

The claim petition originally filed before III Additional district and sessions judge Thirupattur taken as MCOP.No. 161/2022 and transferred to this court as per the proceedings of Honourable District and Sessions Judge, Thirupathur in Dis. No.7545/2025 dated 15.12.2025 and taken on file of this court, the case came up for final hearing on today 26.03.2026 in the presence of this day in the presence of **Thiru.K.Palanisamy,B.Sc.,B.L.**, the counsel for the petitioners, and **Thiru.S.Jayakumar,B.A.,L.L.B.**, counsel for the respondent after hearing arguments and upon perusing the documents this court passing the following:-

ORDER

1.This claim petition was filed under section 166 of M.V.Act seeking his tribunal to pass an award of Rs.75,00,000/- as compensation to the petitioners and directing the respondent to pay along with interest from the date of the accident and costs.

2) The averments contained in the petition is as follows:

The 1st petitioner is the wife, 2nd and 4th petitioners are minor sons, 3rd petitioner is the daughter and 5th petitioner is the mother of the deceased Kumaravel. The said deceased Kumaravel was working as a Supervisor in Mathura Garments at Hosur and also he is earning

more than Rs.30,000/- per month. The above said deceased Kumaravel was maintaining his family from his income and he was hale and healthy. The petitioners are depending upon only income of the said deceased and he could have lived up to 70 years and maintained the family from his income. Due to the sudden death of the said Kumaravel the petitioner's family is completely affected.

That on 25.03.2022 at about 01.30 P.M. the respondent driver drove the TNSTC Bus TN 23 N 2624 very rash and negligent manner towards Tirupathur to Vaniyambadi NH Road near Vaniyambadi Pudur National Highway office opposite, the above said vehicle dashed against the deceased Kumaravel while he was proceeding by his Hero Splendor pro Motor Cycle bearing Reg.No. KA 51 EN 8602 on the extreme left side of the road towards Tirupattur. Due to the impact the deceased Kumaravel sustained grievous head injuries and lost his conscious. Immediately, the deceased was taken to Govt. Hospital Vaniyambadi for medical treatment. On the same day the deceased Kumaravel was referred to Govt. Vellore Medical College Hospital further medical treatment after admitted in ICU on the same day he died. The Post-mortem was conducted at Govt. Vellore Medical College Hospital. The petitioners engaged a van and taken the deceased body to their native place for funerals.

A case U/S 279, 338 & 304 (A) IPC by Vaniyambadi town Police Station in Cr. No.79/2022 was registered against the driver of the TN

23 N 2624 TNSTC Bus and the same is pending for investigation. Since the accident took place by the fault of the TN 23 N 2624 TNSTC Bus. The respondent is the Managing Director of the Tamil Nadu State Transport Corporation Ltd, So, the respondent is liable to pay the compensation along with interest and costs.

3) The averments of counter filed by the respondent in brief as follows:

The allegation made in the petition are denied except admitted herein. The petitioner are put to strict proof of the same. It is denied that the driver of the respondent was rash and negligent at the time of accident. The allegations made in column 23 of the petition are false and denied. The manner of accident as alleged by the petitioners are not correct. On the day of the incident, 25.03.2022, the driver of the respondent Bus bearing Reg.No. TN23 N 2624 was driven towards Vellore at a moderate speed, following the traffic rules. While ascending from the Chettiyappanur flyover near Vaniyambadi, he came across a Two Wheeler driver KA51EN8602 who was driving at a high speed and recklessly, without wearing a helmet and talking on his cell phone. Although the bus driver stopped the bus, the two-wheeler driver stumbled and fell on the right bumper of the bus, causing an accident to himself. The two-wheeler driver sustained serious head injuries in the accident and was admitted to the hospital

where he died. The cause of the accident was due to the rider of the Two Wheeler didn't wear the helmet and talking on a cell phone while driving. Hence this petition is to be dismissed. This Respondent submitted that as the alleged accident had happened only due to the rash and negligent act of the two wheeler bearing Reg.No.KA51EN8602 rider, the petition is bad for non-joinder of necessary parties [i.e. the owner and the Insurance Co. of the above vehicle). The rider of the above said Two wheeler didn't possess valid DL and if he was in possession of any, he is required to submit the same. Without prejudice to the above contentions, the respondent does not admit the age, occupation, monthly income of the deceased. The petitioner also put to strict proof they are the only legal heirs of the deceased. The averments in columns 11,12,13 and the particulars of claim mentioned in column 21A of the petition are also denied. The amounts claimed at various heads are not admitted. The petitioners are major/married/sons and daughter who are living independently not depending on the deceased and hence not entitled for compensation. The amount claimed for consortium, loss of love and affection is excessive. Multiplier cannot be applicable in all cases be solely dependent on the age of the deceased. The Conventional damages should not be more than 10,000/-. The claim made in column No. 21A part 1 of the petition towards transport, extra nourishment, other expenses is not maintainable. The interest shall be only at current prevailing date as per RBI guidelines. The amount claimed

under various heads in the petition have been exaggerated is not sustainable either in law or on facts. Therefore the respondent is not liable to pay any compensation and hence prays to dismiss the petition.

4. On the side of the petitioners, the 1st petitioner namely Jayapriya (Wife of deceased) examined as PW1 and Ex.P1 to Ex.P17 were marked, the eyewitness namely Arunmozhi examined as PW2, and no exhibits were marked, On the side of respondent, the bus driver namely Mohan examined as RW1 is examined and Ex.R1 is marked through him.

5) The Points for consideration are :-

- i. Whether the accident happened due to the rash and negligent driving of the Govt. Bus bearing Regn Bus bearing Reg.No. TN23 N 2624 of the respondent?
- ii. Whether the petitioners are entitled for compensation ?
- iii. If so, What will be the quantum of compensation?

6) Point No.1 :- (Responsibility)

The petitioners case is that, on 25.03.2022 at about 01.30 P.M. the respondent driver drove the Govt bus TN 23 N 2624 in a rash and negligent manner towards Tirupathur to Vaniyambadi NH Road near Vaniyambadi Pudur National Highway office opposite, the above said

vehicle dashed against the Kumaravel who he was proceeding by his Hero Splendor pro Motor Cycle bearing Reg.No. KA 51 EN 8602 on the extreme left side of the road towards Tirupattur. He sustained grievous head injuries and lost his conscious. Immediate to the accident he taken into Govt. Hospital Vaniyambadi and referred for higher medication and admitted in ICU died on the same day. After completing the Post-mortem the body handed over to the petitioner and took their native place for funerals. A case U/S 279, 338 & 304 (A) IPC by Vaniyambadi town Police Station in Cr. No.79/2022 was registered. since the accident took place only due to the rash and negligent driving of the driver of the govt bus and hence the petitioners are legal heirs of the deceased are entitled compensation .

The respondent side contended that the driver of the Govt Bus proceeded at a moderate speed, following the traffic rules ascending from the Chettiyappanur flyover at Vaniyambadi and the KA51EN8602 two wheeler driver without wearing helmet drove the vehicle at a high speed and recklessly, talking on his cell phone. Although the bus driver stopped the bus, the two-wheeler driver stumbled and fell on the right bumper of the bus, causing an accident to himself. The two-wheeler driver sustained serious head injuries in the accident and was admitted to the hospital where he died. The accident caused due to the negligence of the deceased.

In an application U/sec Sec 166 of MV Act, the occurrence of the accident is the sine qua non for entertaining the claim petition. At the outset, the factum of accident not disputed on the side of respondent. The date, time, place of the accident admitted. The fact that the person namely Kumaravel died due to sustained head injuries in the accident not at all denied. The postmortem certificate marked as Ex.P.2 proves his death. The manner of accident alone disputed. Hence the tribunal has to decide whose negligence the accident caused ? based on the evidences and materials placed before it.

The 1st Petitioner is the wife of the deceased and examined as PW1. She deposed the same facts in his evidence as PW1 as narrated in the petition. She is not an eye witnesses and he came to know about the incident later. She had also preferred complaint the FIR registered against the driver of against the Govt bus marked as Ex.P1 which corroborates the evidence of PW1. PW2 is the eye witness to the accident. The evidence of Pw2 clearly shows that the deceased proceeded in the extreme left side of the road and the driver of the said govt bus drove the vehicle in a rash and negligent manner who came in the opposite direction dashed behind the petitioner and the deceased Kumaravel sustained severe head injury and died subsequently in hospital. There is no one in roads expressed at the time of cross of PW1 & 2 elucidated regarding the manner of accident.

At the same time, the driver of the government bus examined as RW1 and the same not supported by any independent eye witness. While evaluating the evidence PW2 and RW1, the probability of truth lies only on the evidence of PW2. The RW1 is shown as an accused in Cr. No.79/2022 of Vaniyambadi Police Station regarding the road accident. Though Ex.R1 filed the decision of criminal court not bind the tribunal. It is the rule of evidence that nobody can be a judge of their own cause. RW1 happens to be the interested person and he cannot be expected to speak against himself and hence the evidence of RW1 cannot be relied. The petitioners side evidence established their case. The respondent attributing negligence on the part of the deceased had failed to rebutted their case by substantive evidence. Therefore, it is concluded that the accident occurred only due to the negligence of the driver of GOVT BUS in the course of employment under respondent. The point No.1 is answered accordingly.

7) Point No.2 (Entitlement) :-

The 1st petitioner is the wife, 2nd and 4th petitioners are minor sons, 3rd petitioner is the daughter and 5th petitioner is the mother of the deceased. Photo copies of Aadhaar cards of the Petitioners, Legal Heirship Certificate etc., are all filed by the petitioners. The legal heirship Certificate Ex.P5 reveals that the 1-5 petitioners alone the heirs of deceased. There is no dispute raised in this regard. The accident occurred due to the rash and negligence of driver of the

Govt bus /respondent in the course of employment under the respondent as decided in point No.1. Hence the petitioners are entitled to get compensation from the respondent. Thus the point no.2 is answered accordingly.

8) Point No.3 (Quantum):-

The quantum of compensation for the above claim petition is decided as per the guidelines given in the decision of the Honorable Supreme Court of India, reported in 2009(6) Supreme Court Cases at Page 121 Smt.Saralaverma and others /v/ Delhi Transport Corporation and another.

9) Multiplicand :-

It is stated by PW1 in his evidence that the deceased was working as supervisor in Aditya Birla Fashion retail limited, Unit FCL and he earned for a sum of Rs.30,000/- per month. In order to prove the income the salary slip marked as Ex.P17. The deceased drawn the salary of Rs.19,721/-+ Rs.18,485/- for the month Dec 2021 , Aug 2021. The average salary is come around Rs.18,878/- Considering the fact that the cost of living prevailed at the time of accident , age and other factors this tribunal inclined to fix the Notional Income as **Rs.18,900/-** per month.

10) Future Prospects :-

Admittedly, the deceased is aged about 44 years at the time of accident. So as per the Sarala Varma case, the petitioner being a Private employed person, an addition of 25% of actual salary income of the deceased towards future prospects is to be considered, where the deceased is not possessing a permanent job and was between 40-50 years is considered. Hence, out of the total income of Rs.18,900/-, 25% future prospects of Rs.4,725/- is added towards the monthly income and thus the total monthly income is **Rs.23,625/-**

11) Deduction :-

In view of the Judgment in the case between United India Insurance Co.Ltd., Divisional Office, No.73-C, M.T.H. Road, Ambattur, Chennai 600 053 /v/ Mumtaj , 2014 (1) TN MAC 127, the petitioners 1 to 5 being legal heirs of the deceased, 1/4 deduction has to be done and out of the monthly income of **Rs.23,625/-** 1/4th amount of **Rs.5906/-** is deducted for personal and living expenses and after deduction the monthly income fixed as Rs.17,719/-and rounded off as Rs.17,720/-.

12) Multiplier :-

The deceased is said to be 55 years at the time of the death as per the petition. The Aadhaar of deceased reveals that year of birth 1970. The driving license reveals the DOB : 22.04.1978. accident

happened on 25.03.2022 . Hence, the age 44 and as per Sarala verma Case, the proper multiplier is **14**. Thus the compensation is worked out as follows :-

13) Loss of Dependency :-

The annual contribution to the family when multiplied by such multiplier gives the 'Loss of Dependency' to the family. So by multiplying the annual contribution with the multiplier 11, the entitled loss of dependency to the family is arrived as i.e., **Rs.17,720/- x 12 x 14 = Rs.14,15,700/-**

Age	Multiplier	Monthly Income + Future prospects	After Death of 1/4 Personal Expenses monthly income is	Annual Contribution	Loss of Dependency (Annual Income x multiplier)
44	14	Rs.23,625/-	Rs.17,720/-	Rs.17,720/- x 12 = Rs.2,12,640/-	Rs.2,12,640/ x 14= Rs.29,76,960/-

14) Loss of estate, Loss of consortium and funeral expenses :

The Honorable Apex court in National Insurance Company limited /Vs/ Pranaysethi and others (2017) has held that under the

conventional heads of Rs. 15,000/- for loss of estate and Rs.15,000/- for funeral expenses and Rs. 40,000/- for loss of consortium be awarded and the aforesaid amount to be enhanced at the rate of 10% every three years. Being the accident happened in the year of 2022 and hence, the 1st petitioner is awarded a sum of Rs.48,000/- towards loss of parental consortium, the 2nd, 3rd & 4th petitioners are awarded a total sum of Rs.1,44,000/- towards loss of parental consortium and the 5th petitioner is awarded Rs.48,000/- towards loss of filial consortium. The tribunal also inclined to award compensation towards Funeral expenses and loss of estate a sum of Rs.36,000/- and Transport expenses a sum of Rs.10,000/-.

Loss of Dependency	Loss of Spousal Consortium	Loss of parental consortium	Loss of filial consortium	Funeral Expenses & loss of estate	Transport Expenses	Total Compensation
Rs.29,76,960/-	Rs.48,000/-	Rs.1,44,000/-	Rs.48,000/-	Rs.36,000/-	Rs.10,000/-	Rs.32,62,960/-

15) This tribunal is empowered to award higher compensation than the claimed considering the facts and circumstances of the case. Thus the petitioners 1 to 5 are entitled for a sum of **Rs.32,62,960/-** as compensation and out of which the 1st petitioner is entitled to a sum of Rs.9,37,960/- and 2nd, 3rd & 4th petitioners are entitled to a sum

of Rs.7,00,000/- each (Rs. 7,00,000/- x 3 = Rs.21,00,000/-)and 5th petitioner is entitled to a sum of Rs.2,25,000/- from the award amount and thus point no.4 is answered.

16) The petitioners have to produced the attested copy of the 1st page of his/her bank passbook, PAN card and the xerox of the Aadhar card as per the directions of the Hon'ble High Court of Madras in CMA.No.428/2016 dated 11.03.2016 reported in 2016(1) TNMAC 433(DB) .

In the result, this petition is partly allowed with costs in the following terms:-

1. *The petitioners 1 to 5 are awarded a compensation of Rs.32,62,960/- (Less waiver of interest ordered if any). The Respondent is directed to deposit the award amount of Rs.32,62,960/- (Less waiver of interest ordered if any) with interest at the rate of 7.5% from the date of the petition till the date of realization within 8 weeks from the date of order to the credit of the Bank Account No.42888609189 , State Bank of India, Tirupattur Main Branch, directly by NEFT/RTGS Mode.*
2. *From the above award amount, the 1st petitioner is entitled to a sum of Rs.9,37,960/- and petitioners 2, 3 and 4 are entitled for a sum of Rs.7,00,000/- each and the 5th petitioner is entitled to Rs.2,25,000/-. The 1st and 5th petitioner are entitled to receive*

50% of their portion of award amount with interest and the balance 50% shall be deposited in any one of the Nationalized Bank for a period of three years. That the interest accrued to be transferred to the 1st and 5th Petitioners bank account directly from the bank once in three months.

- 3. The amount awarded to the 2nd, 3rd and 4th petitioners shall be invested in a Nationalized Bank until they attain majority and that the interest accrued shall be transferred to the 1st petitioner's bank account directly, once in three months, and the 1st petitioner should utilize the same for the welfare of the Minors alone.*
- 4. The petitioners are directed to pay the balance court fee if any within 10 days, otherwise the petitioners are not entitled any interest for the default period.*
- 5. That the eligible Advocate fee fixed in this case as Rs.39,629/-*

17. That 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 the Section 168(2) of the Act and Rules 20(6) of the Rules, as per order passed by the Hon'ble High Court of Madras in M/s Cholamandalam MS General Insurance Co., Ltd., Vs. Ayyanar and others – Judgment dated 11.05.2020 in Tr.CMP Nos.264 to 281 of 2020.

Other necessary Particulars

Date of petition		Respondent side
Date of Award		26.03.2026
Amount of compensation claimed is		Rs.75,00,000/-
Amount of compensation awarded by this tribunal is		Rs.32,62,960/-
Court fee payable for the said amount is		Rs.32,002/-
Court fee already paid is		Rs.373/-
Balance court fee to be paid is		Rs.31,629/-

Cost List for the Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.32,002/-	
Vakalath Nama Stamp	Rs.50/-	
Process fee	Rs.7/-	
Advocate fee	Rs.39,629/-	

Stamp of documents	Rs.85/-	
Typing charges	Rs.100/-	
Total	Rs.71,870/-	

Dictated to the Steno Typist directly, typed by her through computer, after corrected pronounced by me on 26th day of March 2026.

Special Subordinate Judge(FAC),
Motor Accident Claims Tribunal,
Tirupattur District.

Annexure :

Petitioners side witnesses :

PW1 - Jeyapriya

PW2 - Arunmozhi

Exhibits on the side of Petitioners :

1. Copy of FIR
2. Copy of the Post-Mortem Certificate of the deceased Kumaravel
3. Copy of Death Certificate of the deceased Kumaravel
4. Copy of the DL of the deceased
5. Copy of the Legal Heir Certificate of the petitioners
6. Copy of the Aadhaar Card of the 1st Petitioner

7. Copy of the Aadhaar Card of the 2nd Petitioner
8. Copy of the Aadhaar Card of the 3rd Petitioner
9. Copy of the Aadhaar Card of the 4th Petitioner
10. Copy of the Aadhaar Card of the 5th Petitioner
11. Copy of the Aadhaar Card of the deceased Kumaravel
12. Copy of the Bank Pass Book of the 1st Petitioner
13. Copy of the Bank Pass Book of the 2nd Petitioner
14. Copy of the Bank Pass Book of the 3rd Petitioner
15. Copy of the Bank Pass Book of the 4th Petitioner
16. Copy of the Bank Pass Book of the 5th Petitioner
17. Copy of Salary Certificate of the deceased Kumaravel

Respondent side witnesses :

RW1 - Mohan

Exhibits on the side of the Respondent:

1. Copy of Judgment in case cc 53/2022 given by the
Vaniyambadi Criminal Court Judge.

Special Subordinate Judge(FAC),
Motor Accident Claims Tribunal,
Tirupattur, Tirupattur District.