

**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.44 of 2026

C.N.R.No.TNTU04-000045-2026

,(MCOP.No. 38/2022 on the file of III ADJ Court, Thirupathur)

1. Usharani,(45 years),
W/o. Subramani.

2. Jayanthi,(26 years),
W/o.Loganathan,
No.20/50, 2/293, Maruthi Nagar,
Koralagunta, Tirupathi Urban,
Chittor District.

3. Radha,(24 years),
W/o. Ananthanarayanan,
No.46 JKC Street,
Thompsonpet,
Kaveripattinam,
Krishnagiri Taluk & District.

4. Karthik,(22 years),
S/o. Subramani.
Both 1st and 4th petitioners are residing at No. 159 Thayappan
Vattam,

Puthiya Athikuppam Village,
Bommikuppam Post,
Tirupathur Taluk & District.

...Petitioners

//vs//

The Managing Director,
Karnataka State Road Transport Corporation,
Kempegowda Bus Station, Subash Nagar, Bengaluru.

... Respondent

The claim petition originally filed before III Additional district and sessions judge Thirupattur taken as MCOP.No.38/2022 and transferred to this court as per the proceedings of Honourable District and Sessions Judge, Thirupathur in Dis. No.555/2026 dated 27.01.2026. 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.S.Sivakumar,B.A.,L.L.B.,** Counsel for petitioners , and **Thiru.M.L.Jambukumar,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 is filed by the petitioners to pass an award of Rs.60,00,000/- as compensation to the petitioners and directing the

MCOP No.44/2026

26.03.2026

respondent to pay along with interest from the date of the accident and costs.

2. Brief averments in the petition as follows:

The 1st petitioner is the wife of the deceased, The petitioners 2nd , 3rd petitioners are the daughters and 4th petitioner is the son of the deceased Subramani. The deceased was hard worker, and he was attending the well digging work, and also doing cattle business, and in both he was getting a monthly income of Rs.25,000/ and contributing the entire earning to the welfare of the family. The deceased was the main bread winner in the family and the petitioners are depending upon the income of the deceased. At the time of the accident the deceased was only 50 years. If the deceased had been alive, he could have lived till his 85th years of age. Due to the sudden death of the deceased Subramani, The 1st petitioner has lost the love and affection of her husband and lost the consortium and company of her husband for the rest of her life. The petitioners 2 to 4 have lost the love and affection of their father the deceased herein. After the death of the deceased, the petitioners are put into mental shock and mental agony.

On 25-12-2021, at about 15-00 Hours after attending cattle business, the deceased with helmet returning to house in the TVS XL Super moped bearing Reg.No.TN-23-R-6204 with one Dhandapani as a pillion rider to the opposite to the house of Hari of Kadayanpallam

in Tirupattur - Tiruvannamalai Road following the traffic rules very slowly, cautiously. At that time, a KSRTC bus bearing Reg.No.KA-11-F-0443 belonging to the respondent was coming in the back side of the deceased. The driver of the bus was driving the same in a rash and negligent manner without following the traffic rules of the road. Due to the rash and negligent driving of the driver of the bus, he had lost his control and dashed against the moped of the deceased. Due to the impact the deceased and the said Subramani have fallen down from the moped and have sustained fatal injuries, and the deceased died on the spot itself. The Post Mortem was conducted on the dead body of the deceased Subramani in the Government Hospital, Tirupathur. The Tirupattur Taluk Police registered a case against the bus driver in Cr.No. 475/2021 u/s 279, 337, 304-A IPC. The accident occurred only due to the rash and negligent driving of the bus driver. The respondent as owner cum insurer of the vehicle, is liable to pay the compensation along with costs and interest.

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

The petitioners claim for the death of Subramani for Rs.66,50,000/- is not sustainable either in law or on facts. The respondent denies the entire allegations except those that are specifically admitted herein and put the petitioner to strict proof of the same. The respondent

submitted that there is absolute negligence of the Two Wheeler TN-23-R-6204 to the accident drove by the deceased Subramani along with Pillion rider deceased Dhandapani rode the TVS Moped in a rash and negligent manner and violated the traffic rules and rider is responsible for the accident. The Insurance Company of two wheeler and its owner are the necessary parties to the case. The police did not entered the bus registration number in the said F.I.R. So the petitioners colluded with the police and foisted false case against the respondent KSRTC bus. There is a petty shop belongs to the rider of TVS XL super moped and the deceased abruptly turned from left side to right side to go to his petty shop without observing the bus was coming behind and caused the accident and hit the center side bumper of the bus from the left side. The rider was not having valid D.L. The deceased Subramani was drove his two wheeler in a zik zak manner without seeing the road and suddenly turned his two wheeler. Hence the accident is occurred due to the deceased Subramani fault. There is no fault on the respondent's driver side. The deceased not wearing Helmet at the time of the accident. The respondent denies the age, occupation, income etc of the deceased at the time of accident in order to get higher compensation. The Petitioners No. 2 and 4 are not the dependents of the deceased and hence prays to dismiss the petition with costs.

4) On the side of the 1st petitioner namely Usharani (Wife of the deceased Subramani) examined as PW1 and Ex.P1 to Ex.P9 were marked, the eyewitness namely Ramesh examined as PW2, and no exhibits were marked. On the side of respondent, the driver of the bus namely Naveenkumar examined as RW1 and no documents were marked.

5) The Points for consideration are :-

- i. Whether the accident happened due to the rash and negligent driving of the KSRTC bus bearing Reg.No.KA-11-F-0443?
- 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 25-12-2021, at about 15-00 Hours after attending cattle business, the deceased with helmet returning to house in the TVS XL Super moped bearing Reg.No.TN-23-R-6204 with one Dhandapani as a pillion rider to the opposite to the house of Hari of Kadayanpallam in Tirupattur - Tiruvannamalai Road following the traffic rules very slowly, cautiously. At that time, a KSRTC bus bearing Reg.No.KA-11-F-0443 belonging to the respondent was coming in the back side of the deceased. The driver of the bus was driving the same in a rash and negligent manner

without following the traffic rules of the road . The KSRTC bus driver had lost his control and dashed against the moped of the deceased. Due to the impact the deceased Subramani have fallen down from the moped and have sustained fatal injuries and died on the spot itself. The Post Mortem was conducted in the Government Hospital, Tirupathur and handed over to the family. Since the accident took place only due to the rash and negligent driving of the driver of the bus during the course of his employment under the respondent and hence the petitioners are legal heirs of the deceased are entitled compensation .

The respondent side contended that the Insurar and owner of the two wheeler are the necessary parties to the case and not added . The police did not entered the bus registration number in the said F.I.R and hence the petitioner colluded with the police and foisted false case against the respondent. There is a petty shop belongs to the rider of TVS XL super moped and the deceased abruptly turned from left side to right side to go to his petty shop without observing the bus was coming behind hit the center side bumper of the bus from the left side. The rider of the two wheeler was not having valid D.L and the deceased Subramani was drove his two wheeler in a zik zak manner without seeing the road and suddenly turned his two wheeler. The accident not happened due to the negligence of the respondent bus and hence not liable to pay compensation.

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 are admitted. The fact that the person namely Subramanidied due to sustained head injuries in the accident not at all denied. The postmortem certificate & deth report marked as Ex.P2 & 5 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 she came to know about the incident later. PW2 is the eye witness to the accident. The evidence of Pw2 clearly shows that the the deceased along with one pillion rider proceeded in the TVS XL cautiously and slowly in the extreme left side of the road and the driver of the said KSRTC bus drove the vehicle in a rash and negligent manner who came behind them in a same direction overtook the two wheeler and caused the accident. The person who travelled in the two wheeler had fallen sustained serious head injuries and both were died on the spot There is no in roads during the course of Cross of PW1 & 2 elucidated regarding the manner of accident.

At the same time, the driver of the KSRTC bus examined as RW 1 deposed the different manner of accident that the driver of the two wheeler applied sudden brake and hence the bus dashed behind the two wheeler. The said evidence not supported by any independent eye witness/ passengers of the bus. Though the respondent side took defence that the driver of the two wheeler not hold driving licence and contributed for accident. The driving licence of the driver of the two wheeler subramani marked as ExP6. There is no materials shows the driver of the two wheeler contributed the accident and hence the defense of contributory negligence is herewith rejected.

The petitioner side relied upon the oral evidence of Pw1 & 2 corroborated by the documentary evidence. The respondent side relied upon the evidence of Rw1. While evaluating the evidence PW2 and RW1, the probability of truth lies only on the evidence of PW2. It is apparent on the face of record that , RW1 is shown as an accused in Cr.No. 475/2021 u/s 279, 337, 304-A IPC Tirupattur Taluk Police stating the driver of the vehicle KA-11-F-0443. as could seen from Ex.P1 and hence the defence taken regarding non mention of vehicle number is herewith rejected. 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.

As discussed in detail, the oral testimony of PW1 & 2 corroborated by the material documents. The petitioners side evidence established their case. The tribunal clarified that the insurer and owner of the two wheeler are only the proper parties and hence the case not affected due to Non joinder of parties. 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 KSRTC BUS in the course of employment under respondent. The point No.1 is answered accordingly.

7) Point No.2 (Entitlement) :-

The The 1st petitioner is the wife of the deceased, The petitioners 2nd , 3rd petitioners are the daughters and 4th petitioner is the son of the deceased Subramani. Photo copies of Aadhaar cards of the Petitioners, Legal Heirship Certificate etc., are all filed by the petitioners. The legal heirship Certificate Ex.P.7 reveals that the 1-4 petitioners alone the heirs of deceased. There is no dispute raised in this regard. The registration certificate of the respondent and driving license of its driver marked as Ex.P8 & 3 respectively. The accident occurred due to the rash and negligence of driver of the KSRTC 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 Honourable 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 doing cattle business at that time of accident and earned Rs.25,000/- per month. But, there is no proof documents regarding avocation or income filed by the petitioner. It is stated in the FIR itself that the deceased earned money by means of the said avocation and the same not shattered during the course of cross examination of PW1 and PW2. Admittedly, the age of deceased at the time of accident 48. He would have earned minimum of Rs.400/- per day by means of cattle business. 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.12,000/-** per month.

10) Future Prospects :-

Admittedly, the deceased is aged about 50 years at the time of accident. So as per the Sarala Varma case, the petitioner being a Private employed person, an addition of 10% 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 50 years is considered. Hence, out of the total income of Rs.12,000/-, 10% future prospects of Rs.1200/- is added towards the monthly income and thus the total monthly income is **Rs.13,200/-**.

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 4 being legal heirs of the deceased, 1/4 deduction has to be done and out of the monthly income of **Rs.13,200/-** 1/4th amount of **Rs.3300/-** is deducted for personal and living expenses and after deduction the monthly income fixed as **Rs.9900/-**.

12) Multiplier :-

The deceased is said to be 50 years at the time of the death as per the petition. There is no document filed to prove his age. The postmortem reveals his age 50. Hence, the age and as per Saralaverma Case, the proper multiplier is **13**. 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.9,900/- x 12 x 13 = Rs.15,44,400/-**.

Age	Multiplier	Monthly Income + Future prospects	After Dedn of 1/4 Personal Expenses monthly income is	Annual Contribution	Loss of Dependency (Annual Income x multiplier)
50	13	Rs.13,200/-	Rs.9900/-	Rs.9,900/- x 12=Rs.1,18,800/-	Rs.1,18,800/ x 13=Rs.15,44,400/-

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 total sum of Rs.48,000/-

towards loss of Spousal consortium and the 2nd, 3rd & 4th petitioners are awarded a total sum of Rs.1,44,000/- towards loss of parental 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 Dependancy	Loss of Spousal Consortium	Loss of parental consortium	Loss of filial consortium	Funeral Expenses & loss of estate	Transport Expense	Total Compensation
Rs.15,44,400/-	Rs.48000/-	Rs.1,44,000/-	NIL	Rs.36,000/-	Rs.10,000/-	Rs.17,82,400/-

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 4 are entitled for a sum of **Rs.17,82,400/-** as compensation and out of which the 2, 3rd 4th petitioner's are entitled to a sum of **Rs.4,00,000/- each** and the 1st petitioner is entitled to **Rs.5,82,400/-** and thus point no.4 is answered.

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

1. The petitioners 1 to 4 are awarded a compensation of **Rs.17,82,400/-** (Less waiver of interest ordered if any on dismissed on default). The Respondent is directed to deposit the award amount of **Rs.17,82,400/-** (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 2 month from the date of order.

2. The Respondent is directed to deposit the award amount within **one month** from the date of order by NEFT / RTGS mode directly into the account standing in the name of Special Subordinate Judge (MACT), Tirupattur at State Bank of India, Tirupattur Main Branch, Account No. **42888609189** under intimation to this Tribunal by way of sending pay advice slip.

3. From the above award amount, the 1st petitioner is entitled to a sum of **Rs.5,82,400/-** and 2nd, 3rd and 4th petitioners are entitled to a sum of **Rs.4,00,000/- each** (Rs.4,00,000/- x 3 = Rs.12,00,000/-).

4. The petitioners are directed to pay the balance court fee Rs.16,824/- within 15 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.24,824/-.

6. The respondent is directed to pay a sum of **Rs.42,310/-** being the cost of petitioners tabulated there in.

16. 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.60,00,000/-
Amount of compensation awarded by this tribunal is		Rs.17,82,400/-
Court fee payable for the said amount is		Rs.17,197/-
Court fee already paid is		Rs.373/-
Balance court fee to be paid is		Rs.16,824/-

Cost List for the Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.17,197/-	
Vakalath Nama Stamp	Rs.100/-	
Process fee	Rs.14/-	
Advocate fee	Rs.24,824/-	
Stamp of documents	Rs.75/-	
Typing charges	Rs.100/-	
Total	Rs.42,310/-	

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 – Usharani

MCOP No.44/2026

26.03.2026

PW2 – Ramesh

Exhibits on the side of Petitioners :

1. Copy of FIR
2. Original Death Report of the deceased Subramani
3. Copy of DL of the driver of the Bus
4. Copy of the Aadhaar Cards of 1st, 2nd, 3rd and 4th petitioners
5. Copy of the Post Mortem Certificate of the deceased Subramani
6. Copy of DL of the deceased Subramani
7. Copy of Legal Heirship Certificate
8. Copy of RC Book of the Bus involved in the accident
9. Copy of the Bank Pass Books of the 1st, 2nd, 3rd and 4th petitioners

Respondent side witnesses :

RW1- Naveenkumar (driver of the respondent bus)

Exhibits on the side of the Respondent:

NIL

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