

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, VELLORE,
VELLORE DISTRICT.
(I ADDITIONAL DISTRICT AND SESSIONS COURT, VELLORE.)**

PRESENT: Tmt. G. Santhi,

Motor Accident Claims Tribunal Judge/
I Additional District and Sessions Judge,
Vellore.

On Friday, the 13th day of March, 2026

**M.C.O.P. No.391/2024
(CNR No.TNVL01-003121-2024)**

(a)	Name and address of the claimant / Petitioner (s)	:	<ol style="list-style-type: none"> 1. Vanitha, aged 40 years, W/o. Late Yuvaraj 2. Minor. Prithika, aged 15 years, D/o. Late Yuvaraj. 3. Jayalakshmi, aged 67 years, W/o. Tekaraman (2nd petitioner is minor Rep. by her mother and Next friend 1st petitioner Vanitha) <p>All are residing at No.329, Pillaiyar Koil Street, Mel Vadugankuttai, Karasamangalam, Katpadi, Vellore District Pin-632 202.</p>
(b)	Name and address of the respondent (s)	:	<ol style="list-style-type: none"> 1. Dhandapani S/o. Panchatcharam, aged not known, residing at No.25, 5th West Cross Road, Gandhinagar, Vellore, Vellore District, Pin- 632 006. 2. The Divisional Manager, The Oriental Insurance Company Ltd., having office at No.29B, Jambubala Complex, Arcot Road, Vellore, Vellore District.
(c)	Date of presentation Date of Taken on File	:	26.06.2024 21.08.2024
(d)	Date of award	:	13.03.2026
(e)	Amount of award	:	Rs.18,04,000/- (Rupees Eighteen lakhs)

		Four thousand only) as compensation. Out of the award amount, 1 st petitioner is entitled to get Rs.7,04,000/- as compensation and the 2 nd petitioner is entitled to get Rs.8,00,000/- and the 3 rd petitioner is entitled to get Rs.3,00,000/- as compensation.
(f)	Costs, if any	: Stamp on petition - Rs. 372.50 Stamp on Vakalath - Rs. 10.00 Court fee - Rs.17,412.50 Advocate fee - Rs. 37,540.00 =====
		Total = Rs. 54,962.50
(g)	Balance Court fee	Rs. 17,040/-

1. Vanitha, aged 40 years, W/o. Late Yuvaraj
2. Minor. Prithika, aged 15 years, D/o. Late Yuvaraj.
3. Jayalakshmi, aged 67 years, W/o. Tekaraman
(2nd petitioner is minor Rep. by her mother
and Next friend 1st petitioner Vanitha)

... Petitioner

/Vs/

1. Dhandapani
2. The Divisional Manager,
The Oriental Insurance Company Ltd.,
Vellore.

... Respondents

This petition came up before me for final hearing on 02.03.2026 in the presence of Thiru.S. Dhakshinamoorthy, learned counsel for the petitioner and Thiru.K. Umasankar, learned counsel for 2nd respondent, 1st

respondent called absent set exparte, upon perusing the case records, on hearing both side and having stood over for consideration till this day, this tribunal passed the following:

ORDER

This petition has been filed under Section 166 of the Motor Vehicles Act by the dependents of the deceased Yuvaraj who sustained fatal injuries in a motor accident seeking for compensation of Rs.99,00,000/-.

2. Brief averments in the petition in brief:

On 09.04.2024 at about 6:45 p.m., the deceased was driving a car bearing Registration No. TN-02-BA-0867 on the Gudiyatham–Katpadi Road, near BS Mosquito Net Service at Karasamangalam, in a careful and cautious manner. At that time, a bus bearing Registration No. TN-25-5-1399 came from the opposite direction. The driver of the said bus drove the vehicle at a high speed in a rash and negligent manner, without following traffic rules and endangering human life, and dashed against the car driven by the deceased. Due to the impact of the accident, the deceased sustained grievous injuries on both legs, head, and all over the body. Immediately after the accident, he was taken to Naruvi Hospital, Vellore, where he was declared dead. The accident occurred solely due to the rash and negligent driving of the bus driver. Based on the complaint, the Virudampet Police registered a case in Crime No.117/2024 against the bus driver under

Sections 279, 337, and 304(A) of the IPC. Hence, the 1st respondent being the owner and the 2nd respondent being the insurer of the vehicle are jointly liable to pay compensation of Rs.99,00,000/-.

3. The brief averments of the counter filed by the 2nd respondent are as follows:

The petition filed by the petitioner is not maintainable either in law or on facts of the case. This respondent denies all the averments in the petition except those that are specifically admitted and the respondent has the right to contest the claim on all grounds under Sections 170 and 149(2) of the Motor Vehicles Act. The respondent states that the deceased himself drove the car in a rash and negligent manner and therefore contributed to the accident. The compensation of Rs.99,00,000/- claimed by the petitioners is excessive, exaggerated and not supported by evidence. The respondent denies the age, occupation and income of the deceased and requires the petitioners to prove the same. Interest, if any awarded, should be only according to the Interest Act and Supreme Court guidelines. The respondent does not admit that the vehicle was validly insured and calls for proof of the RC, driving licence, insurance policy and other documents. The respondent reserves the right to file an additional counter later. Therefore, the respondent prays that the claim petition be dismissed with costs.

5. The point for consideration in this petition are as follows:-

- (1) Whether this accident was occurred due to the rash and negligent driving of the driver of the 1st respondent's vehicle Bus bearing Regn No: TN-25-S-1399?
- (2) Who is liable to pay the compensation?
- (3) Whether the petitioner is entitled to compensation? and if so, what is the quantum?

6. On the side of the petitioners, two witnesses has been examined as P.W.1 and P.W.2 and 14 documents have been marked as Ex.P.1 to P.14. No evidence was examined and Ex.R1 was marked on the side of the 2nd respondent.

7. Point No.1:-

(i) The petitioners contended that on 09.04.2024 at about 6:45 p.m., the deceased Yuvaraj was driving a car bearing Registration No. TN-02-BA-0867 on the Gudiyatham–Katpadi Road near B.S. Mosquito Net Service at Karasamangalam in a careful manner. At that time, a bus bearing Registration No. TN-25-S-1399 came from the opposite direction and the driver of the said bus drove the vehicle in a rash and negligent manner and dashed against the car driven by the deceased, resulting in the accident. Due to the impact, the deceased sustained grievous injuries and was taken to Naruvi Hospital, Vellore, where he was declared dead.

(ii) In order to prove the manner of the accident, the 1st petitioner examined herself as P.W.1 and an eyewitness was examined as P.W.2. They deposed that the accident occurred due to the rash and negligent driving of the bus driver. The petitioners also produced Ex.P1 – FIR, which shows that a criminal case has been registered against the driver of the bus.

(iii) On the other hand, the 2nd respondent produced Ex.R1 – Forensic Examination Report which shows that **219 mg% w/v of ethyl alcohol** was detected in the blood of the deceased. The presence of such a high level of alcohol indicates that the deceased had consumed alcohol prior to the accident. Though the respondents have not produced oral evidence to prove the negligence of the deceased, the presence of alcohol in the blood of the deceased would indicate that the deceased might not have been in a proper condition to drive the vehicle carefully.

(iv) Therefore, considering the overall circumstances of the case and the evidence available on record, this Tribunal is of the view that the accident occurred mainly due to the rash and negligent driving of the bus driver, but the deceased had also contributed to the accident to some extent.

Hence, this Tribunal fixes 20% contributory negligence on the part of the deceased and 80% negligence on the part of the driver of the bus bearing Registration No. TN-25-S-1399. Accordingly, Point No.1 is partly

answered in favour of the petitioners.

8. Point No.(2):-

(i) In Point No.(1), this Tribunal has already fixed 20% contributory negligence on the part of the deceased and 80% negligence on the part of the driver of the bus bearing Registration No. TN-25-S-1399.

(ii) The 1st respondent is the owner of the said bus and the 2nd respondent is the insurer of the said vehicle. The 2nd respondent has not produced any evidence to prove that there was any violation of the policy conditions or that the driver of the bus did not possess a valid driving licence at the time of the accident.

(iii) In the absence of any such evidence, this Tribunal holds that the 1st respondent, being the owner of the bus, and the 2nd respondent, being the insurer of the said vehicle, the 2nd respondent is liable to pay the compensation to the petitioners.

(iv) However, since this Tribunal has fixed 20% contributory negligence on the part of the deceased, the petitioners are entitled to receive only 80% of the compensation amount determined by this Tribunal. Hence, Point No.(2) is answered accordingly.

9. Point No.(3):-

(i) In the Post mortem Certificate which is marked as Ex.P2 through

P.W.1, it has been stated that the deceased would appear to have died of "Blunt injury to the abdomen". From the above document, the petitioner has proved that the deceased died due to the accident. In the petition, it has been stated that the 1st Petitioner is the wife of the deceased, minor 2nd petitioner is the daughter and 3rd petitioner is the mother of the deceased and they are the legal heirs of the deceased. In the legal heir certificate marked as Ex.P3 through P.W.1, the petitioner is shown as the legal heirs of the deceased Yuvaraj. Therefore, this Tribunal comes to the conclusion that the petitioners are entitled to the compensation.

10. Age of the deceased :

(ii) As per the judgment of the Hon'ble Supreme Court in *Smt. Sarla Verma & Others Vs. Delhi Transport Corporation & Another*, the age of the deceased has to be taken into consideration for adopting the proper multiplier. In the present case, the age of the deceased is determined as **42 years** based on **Ex.P.5 – Transfer Certificate**, wherein the **date of birth of the deceased is mentioned as 23.04.1981**. Hence, the age of the deceased at the time of the accident is fixed as **42 years**.

11. Monthly & Annual Income of the deceased:

(iii) In the petition, it has been stated that at the time of the accident, the deceased was an Electrician and earning a sum of Rs.40,000/- per

month. But to prove the income, no oral or documentary evidence produced before this Tribunal. Hence, in these circumstances, considering the age of the deceased and dependents of the family members, this Tribunal is inclined to fix a sum of **Rs.15,000/-** as the monthly notional income of the deceased.

12. Future Prospects:

(iv) As per **The National Insurance Company Limited Vs. Pranay Sethi and Others, Special Leave petition (Civil) No. 25590 of 2014 order dated 31.10.2017**, while determining the income, an addition of 40% of actual salary to the income of the deceased towards Future prospects, where the deceased was self employed and was below the age of 40 years should be made. The addition should be 25%, if the age of deceased was between 40 - 50 years. In case the deceased was between the age of 50 - 60 years, the addition should be 10%.

In this case, the age of the deceased is 42 years and 25% future prospectus would be added, it will come to a sum of **Rs.15,000 x 25% = Rs.3,750/-**. Thus, the monthly income of the deceased would be **Rs.15,000/- + Rs.3,750 = Rs.18,750/-**.

13. Number of Dependents:

(v) The petitioners 1 to 3 are the dependents of the deceased.

Therefore, the number of the dependents is 3. the deduction would be 1/3.

14. Deduction for personal expenses:

(vi) As per judgment in *Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.* (2009) 4 MLJ (SC) 997, 1/3 has to be deducted as the personal and living expenses of the deceased. As per the dictum laid down in the 2009(2) TN MAC 1(SC) **Smt.Sarla Varma & others Vs. Delhi Transport Corporation & others**, this court deducted 1/3rd of salary towards personal and living expenses of the deceased. After such deduction the monthly income of the deceased fixed as Rs.18,750/- - Rs.6,250/- = Rs.12,500/-.

15. Multiplier and total Loss of dependency:

(vii) Considering the age of the deceased is 42 years and as per the dictum laid down in 2009(2) TN MAC 1(SC) **Smt. Sarla Varma & others Vs. Delhi Transport Corporation & others**, cited supra, the multiplier 14 is adopted for calculation of compensation. Therefore, the compensation calculated to Rs.12,500/- x 12 x 14 = Rs.21,00,000/- and therefore the petitioners are entitled for **Rs.21,00,000/-** as compensation towards Loss of income.

16. Loss of Consortium:

(viii) As per *the Judgment of Hon'ble Apex court passed in SLP (civil) 25590/2014 Dated 31.10.17 between National Ins. Co. Ltd., ..Vs..*

Pranay Sethi and others, the 1st Petitioner is entitled to **Rs.40,000/-** under the head of loss of consortium.

17. Loss of Love and Affection:

(ix) In the present case, petitioners 2 and 3 are the daughter and mother of the deceased. Due to the sudden and untimely death of the deceased in the accident, they have lost the love, affection, care and emotional support of their father and son and have suffered mental agony. Considering the facts and circumstances of the case, this Tribunal deems it just and reasonable to award a sum of Rs.40,000/- each to petitioners 2 and 3, totaling Rs.80,000/-, towards loss of love and affection.

18. Loss of Estate:

(x) Following *the Judgment of Hon'ble Apex court passed in SLP (civil) 25590/2014 Dated 31.10.17 between National Ins. Co. Ltd., .. Vs.. Pranay Sethi and others*, the Petitioners are entitled to **Rs.15,000/-** under the head of "Loss of Estate".

19. Transportation:

(xi) Under the head "Transportation to hospital", upon considering the place of occurrence and the hospital where the postmortem was done and the place of residence of the petitioner, this Tribunal comes to the conclusion that the petitioners are entitled to a sum of **Rs.5,000/-** towards

the head "Transport to hospital".

20. Funeral Expenses:

(xii) Following *the Judgment of Hon'ble Apex court passed in SLP (civil) 25590/2014 Dated 31.10.17 between National Ins. Co. Ltd., ..Vs.. Pranay Sethi and others*, the Petitioners are entitled to **Rs.15,000/-** under the head of "**Funeral expenses**".

(xiii) CALCULATION:

1. Total loss of dependency	:	Rs. 21,00,000/-
2. Loss of Consortium	:	Rs. 40,000/-
3. Loss of Love and Affection	:	Rs. 80,000/-
4. Loss of Estate	:	Rs. 15,000/-
5. Transport charges	:	Rs. 5,000/-
6. Funeral Expenses	:	<u>Rs. 15,000/-</u>
Total Compensation is fixed at	:	<u>Rs. 22,55,000/-</u>
80% of the compensation	:	Rs. 18,04,000/-

(after deducting 20% contributory negligence)

From the above-said discussions, this Tribunal comes to the conclusion that a **total** sum of **Rs.18,04,000/-** would be just and fair compensation to the petitioners 1 to 3. Therefore, Point No.3 is answered. Out of the award amount, 1st petitioner is entitled to get Rs.7,04,000/- as compensation and the 2nd petitioner is entitled to get Rs.8,00,000/- and the 3rd petitioner is entitled to get Rs.3,00,000/- as compensation.

In the result, this petition is partly allowed with costs and the petitioners are entitled for Rs.18,04,000/- (**Rupees Eighteen lakhs Four thousand only**) as compensation. Out of the award amount, 1st petitioner is entitled to get Rs.7,04,000/- as compensation and the 2nd petitioner is entitled to get Rs.8,00,000/- and the 3rd petitioner is entitled to get Rs.3,00,000/- as compensation. The 2nd respondent is directed to pay and deposit the award amount into this Court within one month from the date of this order with interest at 7.5% per annum from the date of filing of this petition, till the date of deposit, excluding the period of default if any. The 2nd respondent is directed to deposit the said award amount through **NEFT or RTGS** mode in the account of **FIRST ADDITIONAL DISTRICT COURT, MACT, Vellore in Account No. 42830452508 (IFSC Code SBIN0008688) of SBI, Sathuvachari Branch, Vellore, under intimation to this court and claimants.** The compensation amount has to be deposited in the above Nationalized bank till the minor 2nd petitioner attains majority and the Guardian/1st petitioner/mother is entitled to receive the interest once in six months exclusively for the welfare of the 2nd minor Petitioner. The award amount allotted to the petitioners are ordered to be transferred to their bank account by RTGS/e-transfer subsequently. The petitioners had paid Rs.372.50/- as court fee. The petitioners have been

exempted from paying court fee at the time of filing and they are directed to deposit the deficit Court Fee of **Rs.17,040/- (Rs.17,412.5/- (-) Rs.372.5/- = Rs.17,040/-)** for the above claim amount into this Court within 15 days, from the date of this order, failing which, the petitioners are not entitled for interest for the default period. Advocate fee is fixed at **Rs.37,540/-** as per Rules. 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.

Dictated to the Steno-Typist directly and typed by her in computer, corrected and pronounced by me in open court, on this day the 13th day of March 2026.

**Motor Accident Claims Tribunal Judge/
I Additional District and Sessions
Judge, Vellore.**

Petitioner's side Witness :

P.W.1 : Tmt. Vanitha

P.W.2 : Thiru. Rajesh

Petitioner's side Exhibits:

Ex.P1	09.04.2024	Online copy of the F.I.R
Ex.P2	10.04.2024	Xerox copy of the Postmortem Certificate
Ex.P3	15.05.2024	Xerox copy of the Legal Heir Certificate
Ex.P4	09.04.2024	Hospital Advance Receipt.
Ex.P5	---	Xerox copy of the Transfer Certificate of the deceased.
Ex.P6	--	Xerox copy of the Training Certificate regarding Electronic Motor and Rewinding Mechanism, issued by Rusha Department.
Ex.P7	13.05.2014	Xerox copy of the Driving Licence of the deceased.
Ex.P8	---	Xerox copy of the Aadhaar Card of the deceased.
Ex.P9	27.03.1997	Xerox copy of the Driving Licence of the offending vehicle.
Ex.P10	11.11.2023 to 10.11.2024	Xerox copy of the Insurance policy of the Bus bearing Reg.No.TN-25-S-1399.
Ex.P11	---	Xerox copy of the Aadhaar card of the 1 st petitioner
Ex.P12	---	Xerox copy of the Aadhaar card of the 2 nd petitioner.
Ex.P13	---	Xerox copy of the Aadhaar card of the 3 rd petitioner.
Ex.P14	---	Xerox copy of the Aadhaar Card of the PW2

Respondent's side Witness : Nil

Respondent's side Exhibits :

Ex.R1 02.05.2024 Xerox copy of the Forensic Examination Report

FAIR/DRAFT ORDER
(contested)

MCOP.No.391 of 2024
CNR No.TNVL01-003121-2024
D.O.D.13.03.2026
I ADJ Court, Vellore.