

**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 Thursday, the 30th day of April, 2026

**M.C.O.P. No.362/2023
(CNR No.TNVL01-004039-2023)**

(a)	Name and address of the claimant / Petitioner (s)	: 1. P.Sulochana, W/o.Late.Pichandi, aged about 47 years, residing at No.16/11, Balamathi Road, Kanni Koil Street, Sasthiri Nagar, Allapuram, Vellore. 2. P.Dhanalakshmi, D/o.Late, Pichandi, aged about 19 years, residing at No.16/11, Balamathi Road, Kanni Koil Street, Sasthiri Nagar, Allapuram, Vellore. 3. Minor P.Sakthivel, S/o.Late.Pichandi, aged about 16 years, residing at No.16/11, Balamathi Road, Kanni Koil Street, Sasthiri Nagar, Allapuram, Vellore. [Minor represented by his M/G.P.Sulochana]
(b)	Name and address of the respondent (s)	: 1. K.Ravichandran, S/o.Kanniappanaikar, age not known, Residing at No.75, Sengalu Neerodai Street, Kanchipuram District. 2. Praveen, S/o.Premkumar, age not known, Residing at Marakkadi Kanchappa Mudaliar Street, Velapadi, Vellore.
(c)	Date of presentation Date of Taken on File	: 15.06.2023 : 11.07.2023
(d)	Date of award	: 30.04.2026
(e)	Amount of award	: Rs.9,47,072/- (Rupees Nine Lakhs Forty

		Seven thousand and Seventy Two only) as compensation. Out of the award amount, the 1 st petitioner is entitled to get Rs.3,47,072/- as compensation and the petitioners 2 and 3 are entitled to get Rs.3,00,000/- each as compensation.
(f)	Costs, if any	: Stamp on petition - Rs. 373.00 Stamp on Vakalath - Rs. 10.00 Court fee - Rs. 8,470.00 Advocate fee - Rs.28,441.00 =====
		Total = Rs. 37,294.00
(g)	Balance Court fee	Rs.8,470/-

1. P.Sulochana
2. P.Dhanalakshmi
3. Minor P.Sakthivel
[Minor Represented by his M/G.P.Sulochana]

... Petitioners

/Vs/

1. K.Ravichandran
2. Praveen

... Respondents

This petition is came up before me for final hearing on 13.02.2026 in the presence of Thiru. N.Sankar, Counsel appearing for the petitioners and R1 called absent were set exparte and Thiru. M.Sridhar Counsel appearing

for the 2nd respondent and 2nd respondent called absent and set ex parte and upon hearing the arguments of petitioners side and upon perusing the entire records of the case, having stood over for consideration till this date, this Tribunal pronounces the following:-

ORDER

This petition has been filed under Section 166 of the Motor Vehicles Act 1988 by the petitioner of the deceased Pichandi who sustained fatal injuries in accident seeking for compensation of Rs.50,00,000/-.

2. Brief averments in the petition in brief:

The petitioner submits that the 1st petitioner is the wife 2nd and 3rd petitioners are the daughter and son of the deceased Pichandi. The petitioners are the only legal heirs of the deceased Pichandi. The Petitioner submits that on 13.09.2018 at 20.15 hrs, while the 1st petitioner's husband Pichandi was walking as a pedestrian in Vellore Velapadi Arani Road, Opposite to White hotel following traffic rules and regulations at the extreme left side of the road, by that time the rider of the TVS Fiero two wheeler bearing Regn. No. TN-05-J-0802 who drove the two wheeler in a rash and negligent manner endangering human life at a high speed without giving horn hit and dashed against the walking 1st petitioner's husband Pichandi vehemently. In that result the said Pichandi has sustained severe head injuries and immediately he was admitted into Pentland Hospital,

Vellore for treatment and he was referred to GVMCH, Vellore for further treatment and admitted into hospital and took treatment, but inspite of hectic efforts took by the doctors, the said Mohan was succumbed to injuries due to the above accident on 14.09.2018. The petitioner submit that in this connection, the S.I of police, Vellore South P.S had registered a criminal case against the rider of the TVS Fiero two wheeler hearing Regn. No. TN-05-J-0802 in Crime No. 365/2018 u/s 279 and 304(A) IPC and the same is pending investigation. The petitioner submits that before the accident the 1st petitioner's husband was hale and healthy and doing coolie work and earned Rs. 20,000/- per month. But due to the sudden demise of the deceased, the future of the petitioners is fully doomed. The petitioners are not able to run a smooth life. The pain and grief under gone by the petitioners could not he measured by coins. The petitioners estimates a compensation of Rs.50,00,000/- for the pain and suffering undergone by them. The petitioners states that they did not file any other petition in any other Court. The petitioners undertakes to file Pan Card and Bank Pass Book at the time of Enquiry. The petitioner humbly states that the 1st Respondent is the owner of the two wheeler and 2nd respondent is the driver of the two wheeler. Respondent 1 and 2 are jointly and severally liable to compensate the petitioners.

3. The respondents have not filed counter and no representation for respondent and hence they are called absent and set exparte on 10.02.2026.

4. The brief averments of the Written Arguments filed by the petitioner are as follows:

The petitioner submits that on 13.09.2018 at 20.15 Hrs, while the 1st petitioner's husband Pichandi was walking as a pedestrian in Vellore Velapadi Arani Road, opposite to white hotel following traffic rules and regulations at the extreme left side of the road, by that time the rider of the TVS Fiero two wheeler bearing Regn.No.TN-05-J-0802 who drove the two wheeler in a rash and negligent manner endangering human life at a high speed without giving horn hit and dashed against the walking 1st petitioner's husband Pichandi vehemently. In that result the said Pichandi has sustained severe head injuries and immediately he was admitted into Pentland Hospital, Vellore for treatment and he was referred to GVMCH, Vellore for further treatment and admitted into hospital and took treatment but inspite of hectic efforts took by the doctors the said Pichandi was succumbed to injuries due to the above accident on 14.09.2018. The petitioner submit that in this connection the S.I of Police, Vellore South P.S. had registered a criminal case against the rider of the TVS Fiero two wheeler bearing Regn.No.TN-05-J-0802 in Crime No:365/2018 u/s 279 and 304(A) IPC.

The petitioner states the driver of the TVS Fiero two wheeler is not having valid license. The petitioner states that he TVS Fiero two wheeler was not having valid insurance of the date of accident. The petitioner states that the petitioner was doing coolie work and earned Rs.20,000/- per month. Though there is no proof regarding notional income, as per the order of the High Court of Madras a sum of Rs.18,000/- has been considered even for a painter to prove the same, the order of the High Court reported in 2025(1) TNMAC 597 is filed herewith.

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

- (1) Whether this accident was occurred due to the rash and negligent rider of the TVS Fiero two wheeler bearing Regn.No.TN-05-J-0802?
- (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 have been examined as P.W.1 and P.W.2 and 12 documents have been marked as Ex.P.1 to P.12. On the side of the respondent, no witness was examined and no documents were marked.

7. **Point No.1:-**

i. The wife of the deceased, Sulochana, was examined as P.W.1 and through her Ex.P1 to Ex.P12 were marked. Ex.P1 is FIR, Ex.P2 is Accident

Register, Ex.P3 is Postmortem Certificate, Ex.P4 is RC Book of the 1st respondent, Ex.P5 is Motor Vehicle Inspector's Report, Ex.P6 is Death Certificate, Ex.P7 is Legal Heir Certificate, Ex.P8 and Ex.P9 are Aadhaar Cards, Ex.P10 is PAN Card, Ex.P11 is Bank Passbook, and Ex.P12 is Final Report.

ii. On perusal of Ex.P1 – FIR registered on 14.09.2018 in Crime No.365/2018, it is seen that the complaint was given by P.W.1 Sulochana, wherein the accused is shown as the rider of TVS Fiero bearing Registration No. TN-05-J-0802, namely Praveen, S/o. Premkumar. The FIR supports the case of the petitioners.

iii. P.W.2 Venisha, the eyewitness to the occurrence, has deposed that at the time of accident she was present near the place of occurrence and that the rider of the two-wheeler drove the vehicle in a rash and negligent manner and dashed against the deceased who was walking on the left side of the road. Immediately, the injured was taken to Pentland Government Hospital, Vellore.

iv. Since P.W.1 is only a hearsay witness, the evidence of P.W.2, being an eyewitness, carries greater evidentiary value. Her testimony clearly establishes that the deceased was walking on the extreme left side of the road and the accident occurred solely due to the rash and negligent

riding of the two-wheeler.

v. Further, Ex.P5 – Motor Vehicle Inspector’s Report shows damages on the left side of the vehicle, namely broken left visor and left rear-view mirror, which corroborates that the vehicle hit the pedestrian on the left side of the road. Ex.P3 – Postmortem Certificate reveals that the deceased died due to the effects of head injury sustained in the accident.

vi. In the absence of any rebuttal evidence from the respondents, this Tribunal holds that the accident occurred only due to the rash and negligent riding of the two-wheeler bearing Registration No. TN-05-J-0802.

8. Point No.(2):-

i. As per Ex.P12 – Final Report, it is revealed that the rider Praveen was a minor at the time of accident and had no valid driving licence. It is also evident that the vehicle was not covered by valid insurance at the time of the accident.

ii. The evidence on record further shows that the 1st respondent, being the owner of the vehicle, permitted the minor to ride the vehicle without a valid driving licence and insurance. Therefore, the 1st respondent has committed a clear violation of statutory provisions.

iii. Since the rider was a minor, the liability cannot be fastened on him independently. Hence, the owner of the vehicle, namely Ravichandran

(1st respondent), is vicariously liable for the act of the minor rider.

iv. The respondents have remained *exparte* and have not come forward to disprove the case of the petitioners. Accordingly, this Tribunal holds that the 1st respondent/owner of the vehicle is solely liable to pay compensation to the petitioners.

9. Point No.(3):-

(i) In the Post mortem Certificate which is marked as Ex.P3 through P.W.1, it has been stated that the deceased would appear to have died "due to effects of head injuries". 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, 2 and 3 are the children of the deceased and they are the legal heirs of the deceased. In the legal heir certificate marked as Ex.P7 through P.W.1, the petitioners are shown as the legal heirs of the deceased Pichandi. 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 in *Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.* The age of the deceased is decided as **59 years** as per Ex.P.3 – Postmortem Certificate of the deceased.

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 working as a coolie and earning a sum of Rs.20,000/- 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.10,000/-** 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 59 years and 10% future prospectus would be added, it will come to a sum of **Rs.10,000 x 10% = Rs.1,000/-**. Thus, the monthly income of the deceased would be

Rs.10,000/- + Rs.1,000 = Rs.11,000/-.

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 1/3 of salary towards personal and living expenses of the deceased. After such deduction the monthly income of the deceased fixed as Rs.11,000/- - Rs.3,666/- = Rs.7,334/-.

15. Multiplier and total Loss of dependency:

(vii) Considering the age of the deceased is 64 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 9 is adopted for calculation of compensation. Therefore, the compensation calculated to Rs.7,334/- x 12 x 9 = Rs.7,92,072/- and therefore the petitioners are entitled for **Rs.7,92,072/-** as compensation towards Loss of income.

16. Loss of Love and Affection:

(ix) In the present case, petitioners are the wife, daughter and son of the deceased. Due to the sudden death of the deceased in the accident, they have lost the love, affection, care and emotional support of the deceased. 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 1 to 3, totaling Rs.1,20,000/-, towards loss of love and affection.

17. 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".

18. 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".

19. 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**".

20. CALCULATION:

1. Total loss of dependency	:	Rs. 7,92,072/-
2. Loss of Love and Affection	:	Rs. 1,20,000/-
3. Loss of Estate	:	Rs. 15,000/-
4. Transport charges	:	Rs. 5,000/-
5. Funeral Expenses	:	<u>Rs. 15,000/-</u>
Total Compensation is fixed at	:	<u>Rs. 9,47,072/-</u>

From the above-said discussions, this Tribunal comes to the conclusion that a **total** sum of **Rs.9,47,072/-** would be just and fair compensation to the petitioners 1 to 3. Therefore, Point No.3 is answered. Out of the award amount, the 1st petitioner is entitled to get Rs.3,47,072/- as compensation and the petitioners 2 and 3 are entitled to get Rs.3,00,000/- each as compensation.

In the result, this petition is partly allowed with costs and the petitioners are entitled for **Rs.9,47,072/- (Rupees Nine Lakhs Forty Seven thousand and Seventy Two only)** as compensation. Out of the award amount, the 1st petitioner is entitled to get Rs.3,47,072/- as compensation and the petitioners 2 and 3 are entitled to get Rs.3,00,000/- each as compensation. The 1st 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 1st 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 3rd 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 3rd minor Petitioner. The award amount allotted to the petitioners are ordered to be transferred to their bank account by RTGS/e-transfer subsequently. 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.373/- 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.8,470/- (Rs.8,843/- (-) Rs.373/- = Rs.8,470/-)** 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.28,441/-** 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 30th day of April 2026.

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

Petitioner's side Witnesses :

P.W.1 : Tmt. Sulochana

P.W.2 : Tmt. Venisha

Petitioner's side Exhibits:

Ex.P1	14.09.2018	Online copy of the F.I.R
Ex.P2	13.09.2018	Online copy of the Accident Register
Ex.P3	15.09.2018	Online copy of the Postmortem Certificate
Ex.P4	---	Online copy of the R.C.Book of the two wheeler (R1)
Ex.P5	09.10.2018	Online copy of the MVI Report of the two wheeler (R1)

Ex.P6	29.01.2019	Xerox copy of the Death Certificate of the Pichandi
Ex.P7	23.09.2020	Xerox copy of the L.R.Certificate of the Pichandi
Ex.P8	---	Xerox copy of the Aadhar Card of the petitioners
Ex.P9	---	Xerox copy of the Aadhar Card of the deceased
Ex.P10	---	Xerox copy of the Pan Card of the petitioners
Ex.P11	---	Xerox copy of the Bank Pass Book of the petitioners
Ex.P12	---	Online copy of the Final Report

Respondent's side Witnesses and Exhibits: Nil

MACTJ/I ADJ, Vellore.

FAIR/DRAFT ORDER

(Exparte)

MCOP.No.362 of 2023

CNR No.TNVL01-004039-2023

D.O.D.30.04.2026

I ADJ Court, Vellore.