

**BEFORE THE MOTOR ACCIDENT CLAIM TRIBUNAL/
ADDITIONAL DISTRICT COURT (FAST TRACK COURT),
VELLORE, VELLORE DISTRICT.**

PRESENT:	Thiru.P.V.Sandilyan, M.L., Motor Accident Claims Tribunal Judge/ Additional District Judge (FTC), Vellore.
-----------------	---

Thursday, the 2nd day of July, 2026

M.C.O.P. No.514/2024

(CNR No.TNVL01-004399-2024)

a.	Name and address of the Claimant / Petitioner (s)	1. Gomathi, aged about 50 years, W/o.Late, Jayavel, 2. J.Pandiyan, S/o.Late.Jayavel, aged about 32 years, 3. J.Banupriya, D/o.Late.Jayavel, W/o.R.Raja, aged about 25 years 4. J.Anusuya, D/o.Late.Jayavel, aged about 19 yeras, 5. Valliammal, W/o.Kannaiyyan, aged about 73 years, All are residing at No.4/27, Vinayagar Kovil Street, Athimakulapalli, Ambur, Vengarasamudram, Ambur Taluk, Thirupathur Dist - 635 811.
b.	Name and address of the respondent (s)	1. I.Sangeetha, W/o.Iyappan, aged not known, (Owner of the Mini Lorry bearing Regn.No.TN 83 C 9397), Residing at No.546/14, Anjaneyar Kovil Street, Fort, Vaniyambadi Taluk, Thirupathur District - 635 751. 2. National Insurance Company Limited, Rep. by its Manager, No.9, Infantry Road, Near Alankar Theatre, Indian Overseas Bank, Vellore Fort Branch Upstairs, Vellore -632 001.
c.	Date of filing of the claim petition	13.09.2024

d.	Date of award	02.07.2026	
e.	Amount of award with interest	Rs.29,58,664/- (Rupees Twenty Nine Lakhs Fifty Eight Thousand Six Hundred and Sixty Four only).	
f.	Date from which interest is payable	13.09.2024, till the date of payment of compensation, subject to payment of additional court fee if any.	
g.	Default period and exempted period to which the petitioners are not entitled for interest, if any.	NIL The petitioners are not entitled for interest for the default period and exempted period if any. (Refer: National Insurance Co. Ltd. Vs. Mannat Johal 2019 (15) SCC 260)	
h.	Costs, if any	Court Fee	373.00
		Stamp on Vakalath	10.00
		Additional Court Fee	28,587.00
		Advocate Fee	49,087.00
		TOTAL	78,057.00
i.	By whom Payable	The respondents 1 and 2 are directed to pay the compensation amount of Rs.29,58,664/- (Rupees Twenty Nine Lakhs Fifty Eight Thousand Six Hundred and Sixty Four only) with cost and interest @ 7.5% per annum from 13.09.2024, the date of this petition, till the date of payment of compensation, subject to payment of additional court fee if any.	
j.	To whom Payable & in what proportion	Out of the above award, the first petitioner/wife of the deceased is entitled for the award amount i.e., Rs.14,79,332/- (Rupees Fourteen Lakhs Seventy Nine Thousand Three Hundred and Thirty Two Only) and second, third and fourth petitioners are entitled to the award amount of Rs.4,09,777/- (Rupees Four Lakhs Nine Thousand Seven Hundred and Seventy Seven only)each. The fifth petitioner/mother of the deceased is	

		entitled for the award amount i.e., Rs.2,50,000/- (Rupees Seventeen Lakh Seventy Four Thousand only).
k.	Court Fees to be paid:	The petitioners have paid Rs.373/- as court fee at the time of filing the claim petition. Now, as per the compensation awarded the petitioners are liable to pay additional court fee Rs.49,087/- . The petitioners are directed to pay the additional court fee within two months from the date of this order . If the petitioners fail to pay the additional court fee within the above stipulated time as per the decision of Hon'ble Madras High Court reported in 2022 (1) TNMAC 683 the petitioners will be entitled to the award amount less the additional court fee to be paid in the above proportion and will not be entitled for any interest thereafter . The court fee component amount shall be first withdrawn by the Concerned Court Section from the deposit amount and put in a separate court (ledger) account and deposit the same into the Treasury.

1. Gomathi, W/o.Late.Jayavel
2. J.Pandiyan, S/o.Late.Jayavel
3. J.Banupriya, D/o.Late.Jayavel, W/o.R.Raja
4. J.Anusuya, D/o.Late Jayavel
5. Valliammal, W/o.Kannaiyyan

.... Petitioners

/Vs/

1. I. Sangeetha, W/o. Iyappan,
(Owner of the mini lorry bearing
Regn.No.TN 83 C 9397)
2. National Insurance Co., Ltd.,
Rep. by its Manager, Vellore - 1.

.... Defendants

This petition came up before me for final hearing on 29.06.2026, in the presence of Thiru.V.Padmanaban, Counsel for the Petitioners, Tr.M.Kumaran, Counsel for the first respondent; Tr.P.Sridhar, Counsel for the second

respondent; and after perusing the materials on record and having stood over for consideration this court passes the following:

A W A R D

The petitioners/claimants filed claim petition U/s.166 of M.V. Act 1988 for awarding a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) as compensation for the death of one **K.Jayavel, S/o.Kannaiyyan** in a road traffic accident that happened on 22.09.2023 and with costs.

2. Brief averments in the petition:-

2.1 On 22.09.2023 at about 15.30 hrs, opposite to L Mankuppam Indian Petrol bunk, while the deceased Jayavel was riding his TVX XL Super two wheeler bearing Regn.No.TN 23 AY 1872 at the left side of the road by following traffic rules and regulations, at that time the 1st respondent's mini lorry bearing Regn.No. TN 83 C 9397 driven by its driver J.Venkatesan, S/o.Jayaraman driven the vehicle in a very rash and negligent manner without following the traffic rules and regulation, without blow any horn in an uncontrollable speed in a hurried manner. Suddenly, the mini lorry driver loss his control and hit and dashed against the two wheeler riding deceased Jayavel vehemently. Due to that strong hit impact the deceased has sustained severe grievous injuries all over his body and soon after the accident he was rushed to Government Hospital, Vellore for further treatment, but the duty doctors

declared he was died. The postmortem was conducted on the corpse of the deceased Jayavel at GVMC Hospital, Vellore.

2.2 In this connection, the Omerabad Police had registered a Criminal Case against the driver of the Mini Lorry (Tipper) bearing Regn.No. TN 83 C 9397 in Crime No.326/2023, U/s.279, 304(A) of I.P.C.

2.3 Before the accident deceased was doing mason work and earning Rs.30,000/- per month. The first petitioner is wife, second petitioner is son, third and fourth petitioners are the daughters and fifth petitioner is the mother of the deceased. The petitioners are the legal heirs and depending upon the income of the deceased Jayavel.

2.4 The accident had happened only due to the rash and negligent driving of the Mini Lorry (Tipper) bearing Regn.No.TN 83 C 9397 by its driver in course of his employment hours under the 1st respondent. The first respondent is the owner and the second respondent is the insurer of the Mini Lorry (Tipper) bearing Regn.No. TN 83 C 9397. Hence both the respondents are jointly and severally liable to pay the compensation to the petitioners. It is therefore prayed to direct the respondents jointly and severally to pay a sum of Rs.50,00,000/- as compensation to the petitioners.

3. Brief averments of the Counter filed by the first Respondent:-

3.1 The allegations in the petition are false, misleading, legally invalid and should be dismissed. The vehicle of the first respondent involved in the accident was duly insured and was being driven by a proper driver in

compliance with the traffic rules at the time of the accident. The driver of the respondent was not responsible for the accident. However, if it is concluded that the vehicle of the respondent was the cause of the accident and an order is issued, the insurance company of the respondent will be ordered to pay the above amount. Hence the first respondent prays that the claim petition be dismissed as against the first respondent. The amount of compensation claimed by the petitioner is too high and the claim for compensation under the multiple claims clause is also against the law. Even though the petitioner is a person entitled to compensation, the petitioner can only claim that amount from the insurance company. It is therefore prayed to dismiss the petition as against this respondent with cost.

4. Brief averments of the Counter filed by the second Respondent:-

4.1 The case filed by the petitioners as against the respondents, claiming compensation of Rs.50,00,000/- for the death of Jayavel occurred in the motor accident is unsustainable either in law or on facts. The alleged motor accident held head on collision. Hence the alleged negligence cannot be assessed Nor can be fixed on any one of the driver of the mini lorry alone. Hence both the driver of the both the vehicles involved in this case are jointly held liable negligence of their fault.

4.2 Further the accident happened head on collision due to negligent driving of the deceased hence the TVS XL Super bearing Regn.No.TN 23 AY 1872 owner and insurer have to brought as necessary party to this case for fair

trial and disposal. Hence the case is bad for non-joinder of necessary party on the point this claim petition has to be dismissed. Hence the accident happened only due to carelessness and rash and negligent of the deceased, more over the deceased was not wearing helmet at the time of accident as per provision Sec.128 of MV Act, if he would have helmet that he was avoid his death with simple injuries, since he was died due head injury s per medical records. Further he have not possessed DL at the time of accident as per Sec.3 and 5 of MV Act 1988. Hence this respondent in any event not liable to pay any compensation to the petitioner nor to indemnify the first respondent, even if any the owner and insurance company of the TVS XL bearing Regn.No.TN 23 AY 1872 alone liable. Hence on the above said points the claim petition has to be dismissed as against this second respondent. In view of the FIR filed by the police the accused column is NIL. The first respondent has not submitted the claim form with the vehicle records RC, FC, IC, DL etc., along with FIR, MVI report, to the 2nd respondent immediately after the alleged incident of accident to confirm the genuineness of the alleged accident and to confirm 64vb on the alleged policy of insurance even if any available. Hence the second respondent take the plea of violation of policy conditions even if the valid policy is available at the time of alleged accident. Without prejudice to above contention this respondent denies the averments of the petitioners with regard to the age, nature of death, avocation, salary and the manner of alleged accident are s false. The alleged quantum of compensation on different heads in 21 column of

claim petition by the petitioner is imaginary and without any basis nor proof of documents. The compensation claim of the petitioners are huge and highly excessive and imaginable. It is therefore prayed to dismiss the petition as against this respondent with cost.

5. The points for consideration are as follows:

1. Whether the accident occurred on account of the rash and negligent driving of driver of mini Lorry bearing Regn.No. TN 83 C 9397 ?
2. Whether the petitioners are entitled to claim compensation for the said accident? If so, from whom?
3. What is the quantum of compensation to which the petitioners are entitled?
4. What is the additional Court fee payable and what is the appropriate Advocate's fee to be paid?

6. To substantiate their claim, the first petitioner Tmt.Gomathi examined as PW1, Ex.P1 to Ex.P12 were marked. One another eye witness was examined as PW2. On the side of the 2nd respondent, Assistant from RTO Vaniyambadi was examined as RW1 and Ex.R1 to Ex.R3 were marked.

7. Point No.1:-

7.1 The claim petition filed under section 166 of the Motor Vehicles Act, the Claimants must establish the accident was caused by the first respondent driver of the vehicle due to rash and negligent driving. It is a settled position of law that in claim cases, arising out of motor accident, the court has to apply the principles of preponderance of probability and cannot apply the

test of proof beyond reasonable doubt. The proceedings before the Claimants Tribunal are summary in nature, and it is sufficed to consider whether there is any preponderance of probability as to the matter of the accident, as detailed in the Claim Petition. Strict proof of evidence is not required. In the absence of any rebuttal evidence, the finding of the Tribunal regarding negligence cannot be termed as perverse or it is not a case of no evidence.

7.2 To prove the rash and negligence driving of the first respondent mini lorry the deceased wife PW1 Tmt.Gomathi deposed evidence in support of the averments made in the claim petition. PW1 relied on Ex.P1 xerox copy of First Information Report registered in Crime No.326/2023,, by the Omerabad Police, as against the driver of first respondent Mini Lorry (Tipper) bearing Regn.No.TN 83 C 9397, U/s.279, 304(A) IPC. It is evident from Ex.P1, FIR that the Criminal Law was set into motion as against the driver of first respondent lorry vehicle, for his rash and Criminal negligence conduct in causing the accident. Ex.P3 is the Motor Vehicle Inspection Reports of Mini Lorry (Tipper) bearing Regn.No. TN 83 C 9397, established the fact that there is no mechanical defect in the above said vehicle, at the time of accident from which it can be very well inferred that human conduct of Criminal Negligence alone is the reason for the accident.

7.3 PW2 Beem Singh is the eye witnesses to the occurrence. PW2 in his evidence stated that the deceased Jayavel in his TVS 50 Super XL two wheeler observing traffic rules proceeded in a extreme left side of he road at

that time the first respondent's mini lorry driver in a uncontrollable speed rash an negligent manner drove his mini lorry and dashed against the two wheeler TVS Super XL. It is clear from the evidence of the eye witness the first respondent driver drove his mini lorry in a rash and negligent manner dashed against the two wheeler. PW2 evidence inspires confidence with regard to rash and negligent driving of the first respondent's mini lorry driver.

7.4 The Hon'ble High Court of Madras, in the Judgment reported in 2025 (2) TNMAC 752, as held that **"Claimants examined PW2/Eye witness to prove negligence - No Independent Witness examined by Insurer to disprove evidence of PW2 - Without examining Independent Witness, Insurer/Appellant cannot question negligence"**.

7.5 The learned counsel for the petitioners relied the Hon'ble High Court of Madras citations to fix the negligence on the part of the 1st respondent's lorry driver and argued that no independent eye witness was examined by the respondent/insurance company, without examining independent witness, the 2nd respondent/insurance company cannot question the rash and negligence aspect, the contention of the petitioners' counsel is a tenable one.

7.6 The learned counsel appearing for the second respondent would contend that the alleged motor accident occurred due to head on collision, the alleged negligence cannot be assessed mainly on the driver of the mini lorry, both the drivers jointly held negligence on their part, the deceased have no

valid driving license at the time of accident, and failed to wear helmet prayed to deduct the compensation, if any, on the basis of contributory negligence. In Ex.R2, the MVI Report for the TVS Super XL bearing Regn.No. TN 23 AY 1872 column No.7 shows driving license of the deceased is not produced and challan was issued. Even the petitioners have not produced the driving license of deceased. Further it is contended by the second respondent the accident is on head on collision the eye witness PW2 also in his evidence deposed that accident occurred head on collision.

7.7 It is pertinent to note the damages occurred for the TVS 50 Super XL and the offending mini lorry Ex.P3 MVI Report of mini lorry, it shows there is no damage sustained by the Tipper mini lorry. However on perusal of EX.R2, MVI Report for the TVS Super XL the damages 1. Fork bent, 2. Handle bar bent, 3. Engine assembly broken, 4. Head light assembly broken, 5. Rear tools box broken, 6. Chassis bent. It is a case of the petitioners that the deceased drove his two wheeler at the extreme left side of the road. If the accident occurred due to head on collision naturally the front side of the mini tipper lorry would sustained damages. The damages not found in the front side of the mini tipper lorry itself establishes that the accident was not due to head on collision. The second respondent failed to examine the driver of the first respondent to prove the allegation of head on collision. The damages found in the two wheeler front and back side of the two wheeler got damaged may probabalise the driver of the mini lorry dashed the two wheeler on his right

hand side of the lorry. the burden of proof wholly rest on the second respondent however there is no witnesses produced by the second respondent to prove the same.

7.8 In this aspect it is necessary to state the principle laid down by the Hon'ble Supreme Court in the judgment reported in 2014 (1) TN5 MAC 456 (SC) **Meera Devi and another Vs. H.R.T.C. and another,**

" To prove the contributory negligence, there must be cogent evidence. In the instant case, there is no specific evidence to prove that the accident has taken place due to rash and negligent driving of the deceased scooterist. In the absence of any cogent evidence to prove the plea of contributory negligence, the said doctrine of common law cannot be applied in the present case."

In the absence of any evidence to establish negligent riding on the part of the deceased two wheeler, the question of fixing contributory negligence merely for non wearing of helmet, non possessing of DL does not arise and the same cannot lead to an inference of contributory negligence. From the above principle laid down by the Hon'ble Supreme Court it is evident that to prove the claim of the contributory negligence, the respondent must provide satisfactory evidence. But on perusal of records, no satisfactory and acceptable evidence was presented by the second respondent to prove that the petitioner was only sole responsible for the accident. Further Ex.P1 First Information Report supports the case of petitioner. No material is placed by the respondents to reject it. Considering the facts and circumstances and the evidence, this court conclude that the accident happened only due to the rash

and negligent driving of the first respondent's driver and entire negligence was only on the driver of the first respondent's vehicle. Therefore, it is decided by this Tribunal that the 1st respondent driver is the tort feaser and the 2nd respondent is its insurer, they are liable to pay the compensation to the petitioners.

As such, Point No.1 is decided accordingly.

8. Point No.2:-

8.1 It is evident from Ex.P3 Motor Vehicle Inspection Report and Ex.P4 R.C.Book of the mini lorry, that the first respondent is the owner of the mini lorry and the second respondent is its insurer and there is valid Insurance Policy Ex.P5 at the time of accident. The entire negligence is fixed on the first respondent lorry driver based on the evidence. On perusal of Ex.P3 M.V.I. Report and Ex.P6 driving license of the first respondent lorry driver, it reveals that the driver of the offending lorry is possessing light motor vehicle LMV and LMV-TR driving license at the time of accident.

8.2 The learned 2nd respondent counsel examined the Assistant Regional Transport Office, Vaniyambadi as RW1 and he stated that the first respondent driver have light motor vehicle driving license only and it's extract marked as Ex.R3. The Assistant from the RTO, RW1 in his evidence admitted that,

"Medium goods vehicles என ஓட்டுனர் உரிமம் ஏதாவது வழங்குகிறோமா என்றால் இல்லை. Light Motor vehicles, Heavy motor vehicles என மட்டும் தான் ஓட்டுனர் உரிமம் வழங்கப்படுகிறது. Light Motor

vehicles ஓட்டுனர் உரிமம் உள்ளவர் 7500 கிலோ எடை உள்ள வாகனங்களை ஓட்டலாம். 7500 கிலோவுக்கு மேல் அதிகமாக உள்ள வாகனங்களை ஓட்ட heavy motor vehicles ஓட்டுனர் உரிமம் வேண்டும். விபத்திற்குள்ளான வாகனத்தினுடைய unladen weight என்ன என்றால் 4195 கிலோ ஆகும். 7500 கிலோ எடைக்குள் விபத்துக்குள்ளான வாகனம் உள்ளதால் மேற்படி ஓட்டுனருக்கு Light Motor vehicles ஓட்டுனர் உரிமமே சட்டப்படி தகுதியானது என்றால் சரிதான் ".

8.3 It is not disputed by the 2nd respondent that the respondent mini lorry chassis weight was below 7500 Kg. Further Ex.R3, the MVI Report and DL extract of the first respondent driver and Form-24 Motor Vehicle Register issued by the Tamil Nadu Transport Department Authority - Valliyur UO, reveals that the first respondent lorry TN 83 C 9397 unladen weight was 4195 kg. RW1 Official from RTO also admitted the disputed mini lorry unladen weight was 4195 kg at the time of accident. So it is proved the mini lorry unladen weight was 4195 kg which was below 7500 kg.

8.4 Admittedly, it is settled law as per the Hon'ble Apex Court that a person holding a driving license in respect of the Light Motor Vehicle could on the strength of that license, be entitled to drive a transport vehicle of Light Motor Vehicle class having unladen weight not exceeding 7500 kg, this ruling was made in the case of *Mukund Dewangan Vs Oriental Insurance Company Ltd., (2017) 14 SCC 663* Hence, this court safely conclude that the driver had valid LMV and LMV-TR driving license at the time of accident

to drive the first respondent's mini lorry. Therefore for the above reasons this court is of the considered view that the accident was took place only due to the rash and negligent driving of the first respondent mini lorry driver and the second respondent being the insurer of the said mini lorry is liable to pay compensation to the petitioners.

This point is decided in favour of the petitioners.

9. Point No.3:-

To decide fair and just compensation, it is required to conclude the age of the deceased, the loss of monthly income, the number of dependents to arrive at the loss of dependency, additions to be made for future prospects, the deductions to be made towards the personal living expenses of the deceased and the multiplier to be applied with reference to the age of the deceased.

i. Age of the deceased:-

As per petition, deceased Jayavel was aged 50 years at the time of accident, therefore the age of deceased is concluded as 50 years.

ii. Loss of Monthly income of the deceased:-

According to the petitioners who are wife, son, daughters and mother of the deceased Jayavel stated in the petition he was working as Mason and earned Rs.30,000/- per month. But the petitioners have not chosen to file any proof for bank pass book of the deceased to substantiate the fact that deceased was earning the sum of Rs.30,000/- per month at the time of accident.

So it is necessary to fix the national income. This Tribunal relying Hon'ble High Court of Madras Division Bench Judgment in C.M.A. No.2636/2022, dated 17.07.2023, Para-10 held that,

"this court had been consistently following the earlier order in C.M.A. No.576/2022 Reliance General Insurance Company Ltd. -vs- Manju and Others, wherein it is held that even in respect of the accidents which took place in the year 2014-2015, a sum of Rs.15,000/- is taken as notional income. This accident had taken place in the year 2023, therefore giving atleast 10% increase for 3 years, the notional income can be taken as Rs.18,000/- in the present case."

Considering the present accident has occurred on 22.09.2023, at the time of accident the deceased was aged 50 years, no proof to show that he is working as mason, earning Rs.30,000/- per month and relying the above citation, Tribunal fixing the notional income as Rs.18,500/- is just and reasonable notional income. For the above reason this Tribunal inclined to take the notional income of deceased at **Rs.18,500/-** per month.

iii. Loss of dependency:-

a) Number of dependents:

As discussed above and as per Ex.P10 Legal heir certificate of the deceased the petitioners are the wife and minor sons of the deceased and the number of dependents is concluded to be **Five (5)**.

**b) Additions for arriving at the income of the deceased –
Future prospects:**

The age of the deceased having been concluded as 50 years and that below 50 years of age as per the settled legal proposition in **Sarla Verma case**, 25% additions is provided towards future prospects of the self-employed home maker deceased Jayavel.

c) Deductions towards personal living expenses of deceased:

With regard to deduction towards personal living expenses of the deceased, as per the decision laid down in **Sarla Verma and Others -vs- Delhi Transport Corporation and another**, reported in 2009 (2) TNMAC 1 Supreme Court, considering the nature of employment and the petitioners are legal heirs of the deceased, 1/3rd of the income is deducted towards personal and living expenses of the deceased. Hence, 1/4th of the income is deducted towards personal and living expenses of the deceased.

d). The Multiplier to be applied with reference to the age of deceased:-

The age of the deceased having been concluded as 50 years, regarding the selection of multiplier in a claim petition filed under Section 166 of the Act, the Hon'ble Supreme Court in **Sarla Verma and Others -vs- Delhi Transport Corporation and another** (2009) 6 SCC 121 affirmed by a 3 Judge Bench in **Reshmakumari and others -vs- Madhanmohan and**

another (2013) 9 SCC 65 and approved by a constitutional bench in **National Insurance Company Ltd. -vs- Pranay Sethi and Others** (2017) 16 SCC 680 has finally laid down the multiplier to be adopted of the deceased/injured persons falling in age group of 46 to 50, and the case on hand multiplier applicable as per the decision reported in **Smt.SarlaVerma case**, is Thirteen (13).

iv. Conventional Head:-

As per the 2017(2) TNMAC 609 (SC) *National Insurance company Limited Vs. Pranay Sethi*

"the reasonable figures on conventional heads, namely loss of Estate, Loss of Consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. As per the above decision the aforesaid amount should be enhanced at the rate of 10% for every 3 years."

Considering that the present accident has occurred on 22.09.2023 and the above decision of the Hon'ble Apex court has been decided on 31.10.2017, this Tribunal is inclined to follow the dictum. Hence, this tribunal orders Loss of Estate to the tune of **Rs.16,500/-**, Loss of Consortium to the tune of Rs.44,000/- and Funeral Expenses to the tune of **Rs.16,500/-**.

However, as per **Magma General Insurance Co., Ltd., Vs. Nanu Ram @ Chuhru Ram & Ors** for Spousal consortium of first petitioner/wife

and for Parental consortium of 2 to 5 petitioners **Rs.44,000/-** consortium is provided for each petitioners.

v. Calculation of award amount:-

Loss of dependency	Rs.18,500/- (25% add future prospects) = Rs.18,500/- + Rs.4,625/- = Rs.23,125/- (1/4th deductions for personal living expenses of deceased) = 23,125/- - 5,781/- = 17,344/- x 12 Months x 13 (Multiplier) = 27,05,664/-	27,05,664/-
Loss of Estate	16,500/-	16,500/-
Loss of consortium	44,000/- x 5	2,20,000/-
Funeral expenses	16,500/-	16,500/-
Total		29,58,664/-

Total compensation amount arrived is **Rs.29,58,664/- (Rupees Twenty Nine Lakhs Fifty Eight Thousand Six Hundred and Sixty Four only)**. Out of the above award, the first petitioner/wife of the deceased is entitled for the award amount i.e., **Rs.14,79,332/- (Rupees Fourteen Lakhs Seventy Nine Thousand Three Hundred and Thirty Two Only)** and second, third and fourth petitioners are entitled to the award amount of **Rs.4,09,777/- (Rupees Four Lakhs Nine Thousand Seven Hundred and Seventy Seven only)** each. The fifth petitioner/mother of the deceased is entitled for the award amount i.e., **Rs.2,50,000/- (Rupees Seventeen Lakh Seventy Four Thousand only)**. Considering the age, fiscal background and state of society to

which the petitioners belong and in the larger interest of the first petitioner, the award amount is ordered to be transferred to the first petitioner.

Point No.3 is answered accordingly.

10. Point No.4

i. Court Fee :-

The Court fee over and above Rs.1,00,000/- is Rs.372.50 + 1% of the amount by which the amount claim exceeds Rs.1,00,000/-. The petitioners have paid Court Fee Rs.373/-. Award amount arrived is **Rs.29,58,664/-**. Hence the additional Court fee to be paid by the petitioners is **(Rs.28,587/- + 373 = 28,960 - 372.50/-) = Rs.28,587/- (Rupees Twenty Eight Thousand Five Hundred and Eighty Seven only)**

ii. Advocate Fee:

For the Compensation Amount of Rs.10,00,000/- and above the Advocate fee is Rs.29,500/- + 1% on the balance of above Rs.10,00,000/-. The award amount arrived is **Rs.29,58,664/-**. - Rs.10,00,000 = **Rs.19,58,664/-**. X 1 % = Rs.19,587/-. Hence Rs.29,500/- + Rs.19,587/- = **Rs.49,087/- (Rupees Forty Nine Thousand and Eighty Seven Only)** is the Advocate fee to be paid by the petitioners.

Point No.4 is answered accordingly.

In the result, this petition is allowed in part with cost.

1. The respondents 1 and 2 are directed to pay the compensation amount of **Rs.29,58,664/- (Rupees Twenty Nine Lakhs Fifty Eight Thousand Six Hundred and Sixty Four only)** with cost and interest @ 7.5% per annum from 13.09.2024, the date of this petition, **till the date of payment of compensation, subject to payment of additional court fee if any.** The petitioners are not entitled for interest for the default period and exempted period if any. (Refer : **National Insurance Co. Ltd. Vs. Mannat Johal 2019 (15) SCC 260**).

2. Out of the above award, the first petitioner/wife of the deceased is entitled for the award amount i.e., **Rs.14,79,332/- (Rupees Fourteen Lakhs Seventy Nine Thousand Three Hundred and Thirty Two Only)** and second, third and fourth petitioners are entitled to the award amount of **Rs.4,09,777/- (Rupees Four Lakhs Nine Thousand Seven Hundred and Seventy Seven only)** each. The fifth petitioner/mother of the deceased is entitled for the award amount i.e., **Rs.2,50,000/- (Rupees Seventeen Lakh Seventy Four Thousand only)**. Considering the age, fiscal background and state of society to which the petitioners belong and in the larger interest of the petitioners the entire award amount is ordered to be transferred to the petitioners.

3. The above said award amount is directed to be deposited by the second respondent in the court **Bank Account No.42830499807, IFSC – SBIN0008688, at State Bank of India, Sathuvachari Branch in the name of MACT – Additional District Judge (FTC), Vellore** as held by the Hon'ble High Court, Madras in **2016 (1) TN MAC 433** and also shall give intimation to this Tribunal by way of sending pay advice slip and to the petitioners.

4. The petitioners have furnished the bank account details. On deposit of the award amount by the respondent, the petitioners are entitled for transfer of award amount into his bank account. The petitioners' Bank account details:-

Name of the Petitioners	Bank and Branch	A/c. No.	IFSC Code	Amount
Gomathi - (1 st Petitioner)	HDFC Bank LTD, Ambur Branch	50100449912319	HDFC0001304	Rs.14,79,332/-
J.Pandiyan - (2 nd Petitioner)	Canara Bank, Vellore Om Shakti Beedam Branch	110207888489	CNRB0008563	Rs.4,09,777/-
Banupriya - (3 rd petitioner)	HDFC Bank LTD, Ambur Branch	50100449909887	HDFC0001304	Rs.4,09,777/-
Anusuya - (4th petitioner)	HDFC Bank LTD, Ambur Branch	50100538167178	HDFC0001304	Rs.4,09,777/-
K.Valliyammal - (5 th petitioner)	Indian Bank LTD, Odugathur Branch	953453887	IDIB000O001	Rs.2,50,000/-

5. The petitioners have paid **Rs.373/-** as court fee at the time of filing the claim petition. Now, as per the compensation awarded the petitioners are liable to pay **additional court fee Rs.28,587/-**. The petitioners are directed to **pay the additional court fee within two months from the date of this order**.

6. If the petitioners fail to pay the additional court fee within the above stipulated time as per the decision of Hon'ble Madras High Court reported in **2022 (1) TNMAC 683** the petitioners will be entitled to the award amount less the additional court fee to be paid in the above proportion and **will not be entitled for any interest thereafter**.

7. The court fee component amount shall be first withdrawn by the Concerned Court Section from the deposit amount and put in a separate court (ledger) account and deposit the same into the Treasury.

8. Advocate fee is Rs.49,087/-.

9. As per the judgment of the Hon'ble High Court of Madras in M/s.Cholamandalam MS General Insurance co ltd., Vs. Ayyanar & Others reported in 2020(4) CTC 272, no decree is prepared.

10. The second respondent do pay to the petitioners a sum of Rs.78,057/- towards the cost of this petition.

11. Parties are entitled for free copy of award as per rule 20(6) of Tamil Nadu Motor Accident Claims Tribunal Rules.

Dictated to Steno-Typist, typed by her directly, corrected and pronounced by me in the open Court this the 2nd day of July 2026.

Motor Accident Claims Tribunal Judge/

Additional District Judge (FTC), Vellore.

Petitioners' side Witnesses:-

PW1 – Tmt.Gomathi - First Petitioner

PW2 - Tr.Beem singh

Petitioners' side Exhibits:-

Ex.P1 22.09.2023 Xerox copy of F.I.R.

Ex.P2 23.09.2023 Xerox copy of postmortem certificate of deceased.

Ex.P3 -- Xerox copy of MVI Report of first respondent vehicle.

Ex.P4 -- Xerox copy of R.C.Book of first respondent vehicle.

Ex.P5	--	Xerox copy of Insurance Policy of first respondent vehicle.
Ex.P6	--	Xerox copy of driving license of first respondent vehicle driver.
Ex.P7	--	Xerox copies of Aadhar card of petitioners (5 Nos).
Ex.P8	--	Xerox copy of Aadhar card of deceased Jayavel.
Ex.P9	09.10.2023	Xerox copy of death certificate of deceased.
Ex.P10	23.10.2023	Xerox copy of legal heir certificate of deceased.
Ex.P11	--	Xerox copies of PAN card of petitioners (5 Nos).
Ex.P12	--	Xerox copy of 1 st page bank passbook of petitioners (5 Nos).

Respondent's side Witnesses and Exhibits :-

RW1 – Tr.P.Thirumoorthy, Assistant, RTO, Vaniyambadi.

Respondent's side Witnesses and Exhibits :-

Ex.R1	23.06.2026	Original Authorization letter to RW1.
Ex.R2	-	True copy of MVI Report and Check Report of the two wheeler TN 23 AY 1872.
Ex.R3	-	True copy of MVI Report and DL Extract of the driver of first respondent vehicle, lorry namely Venkatesan TN 83 C 9397.

**Motor Accident Claims Tribunal Judge/
Additional District Judge (FTC), Vellore.**