



IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE,  
( MOTOR ACCIDENT CLAIMS TRIBUNAL )  
SRIVILLIPUTHUR

PRESENT:- Thiru. T.V.Mani, B.A.,L.L.B.,  
Additional District Judge,  
Srivilliputhur

**Friday the 6<sup>th</sup> day of March 2026**

**M.C.O.P. No.118/2021**

*(In pursuance of the circular of Hon'ble High Court of Madras in ROC No.2598/2021/RG/F1& in P.Dis.46/2021 dated 23.06.2021 the CNR number is specified as TNVR010021192021 to the above said case).*

1. Kasiammal, aged approximately 59 years, Wife of Late.Ayyanar, residing at Door No.50, Mangapuram main road, Srivilliputhur Town, Virudhunagar District.
2. Pandeewari, aged approximately 37 years, Daughter of Late.Ayyanar, residing at Door No.50, Mangapuram main road, Srivilliputhur Town, Virudhunagar District.
3. Pandiarajan, aged approximately 31 years, Son of Late.Ayyanar, residing at Door No.50, Mangapuram main road, Srivilliputhur Town, Virudhunagar District.
4. Suganthi, aged approximately 30 years, Daughter of Late.Ayyanar, residing at Door No.50, Mangapuram main road, Srivilliputhur Town, Virudhunagar District.
5. Sivasakthi, aged approximately 28 years, Daughter of Late.Ayyanar, residing at Door No.50, Mangapuram main road, Srivilliputhur Town, Virudhunagar District.

... Petitioners.

/Versus/

- 1) Ponnusamy, aged approximately 38 years, S/o.Gopal, Kuppanapuram, Nedunkulam Village, Sivakasi Taluk, Virudhunagar District.
- 2) Manager, Tamilnadu Transport corporation, Tamilnadu Transport Corporation Office, Madurai, Madurai District.

... Respondents.

This Petition was filed on 26.07.2021 and taken on file on 02.08.2021 and came up before me for final hearing on 25.11.2025 in the presence of **Thiru.P.Kamaraj**, Advocate appearing for the Petitioners, and **Thiru.Gunasekaran**, Advocate appearing for 1<sup>st</sup> Respondent and **Thiru.M.Senthilkumar**, Advocate appearing for 2<sup>nd</sup> Respondent and after hearing the Arguments on both side and upon perusing the case records and Notes of Arguments filed by one petitioners side having stood over for consideration till this day, this court hereby delivered the following

### **ORDER**

The Petitioners have filed this petition U/S.140, 166 r/w 3(1) of Motor Vehicles Act against the Respondents 1 & 2 for claiming compensation of Rs.60,00,000/- for the death of Ayyanar S/o.Paulsamy in the Motor Vehicles Accident which took place on 24.10.2020 at 08.30 A.M. at Srivilliputhur to Rajapalayam main road.

#### **2. The brief averments contained in the Petition filed by the Petitioners is as follows:-**

1. The deceased Ayyanar and the 3rd petitioner were running a vegetable shop in Srivilliputhur Pennington Market. On 24.10.2020 at 8.30 am, the 3rd petitioner and the deceased Ayyanar were going to the vegetable shop. The 3rd petitioner and the deceased Ayyanar were going to the vegetable shop in 2 Two wheelers and the deceased Ayyanar was going to in his TVS XL vehicle bearing the number TN-67-S-7911. They came near the Mahatma School on the bypass road from Thiruvilliputhur to Rajapalayam on western side to eastern side and while trying to turn towards south. On the curve, the deceased Ayyanar was going in front and the 3rd petitioner was going in the back on the left side of the road in his Two wheeler. 1st respondent, who was driving the Government Bus bearing number TN-67-N-0632 from Tiruvilliputhur to Krishnapuri with rash and negligent at high speed and carelessly on the curve, even though he knew that he should not overtake the vehicle in front, but did not sound the horn and dashed on the Ayyanar's Two wheeler and he had fallen down and rammed the left rear wheel of the bus and Ayyanar sustained multiple injuries over the body.

2. The 1<sup>st</sup> Respondent also stopped the bus. The complainant and Shankar Ganesh, son of Natarajan from Athikulam, who were nearby, saw the accident. Perumalpatti Keezha Street. Samudram's son Mariyappan also carried the injured Ayyanar to the dirt road. In the above accident, Ayyanar who had sustained non-hematoma injuries on his right side, lower back and buttocks. Later, after informing 108, the 3rd petitioner took the injured Ayyanar to the Srivilliputhur Government Hospital. While the Ayyanar was being taken to the Madurai Government Hospital for further treatment and Ayyanar died while on the way to Ramakrishnapuram.

3. At the time of Accident, Ayyanar who died in the above accident was 63 years old and was healthy and strong. Even before the accident, Ayyanar owned a vegetable shop

and earned an income of Rs. 3500/- per day and Rs. 1,05,000/- per month. He contributed the same to the welfare of his family.

4. The deceased Ayyanar had great love and affection with the petitioners. Similarly, the petitioners also had love and affection with the deceased Ayyanar. Due to this accident, Ayyanar died, and the petitioners have lost their love and affection. The 3<sup>rd</sup> petitioner is the son and P2, P4, P5 are the daughters of the deceased.

5. The 1st petitioner, alone was depending on the income of the deceased. The 1st petitioner has no other income other than his income. Therefore, the sudden death of Ayyanar due to this accident has caused a permanent loss of income to the 1st petitioner.

6. At the time of the accident, Ayyanar was 63 years old. If he had not died in this accident, he would have been alive for more than 10 years and would have earned income from running a vegetable wholesale shop and taking good care of the 1st petitioner.

7. The 1st respondent, who was driving the 2nd respondent's State Transport Corporation Bus bearing number TN-67-N-0632, was responsible for this accident, and a case has been registered against him at the Srivilliputhur Town Police Station under Crime No. 1159/2020 under Sections 279 and 304 (A) IPC and the case is pending in the Srivilliputhur Judicial Magistrate Court II.

8. This gruesome accident occurred because the rash and negligent driving of the driver of the State Transport Corporation bus bearing number TN-67-N-0632, the 1st respondent, was overtaking the bus at the curve at a high speed, recklessly and without sounding the horn at the time of the accident. Therefore, the 2nd respondent, as the owner of the TamilNadu State Transport Corporation bus bearing number TN-67-N-0632 and as the driver of the vehicle, the 1st and 2nd respondents are jointly and severally, are liable to pay compensation to the petitioners.

9. The petitioner can assess his compensation at Rs.71,06,000 /-. However, the petitioners have limited for their compensation at Rs.60,00,000/-. The respondents are bound to pay the same to the petitioners. Hence this petition.

**3) The brief averments contained in the counter filed by the 2<sup>nd</sup> Respondent and adopted the 1<sup>st</sup> Respondent is as follows:**

1) On 24.10.2020, the driver of the TN-67-N-0632 bus, which was assigned to the 1<sup>st</sup> Respondent, followed the Traffic rules and driven sounding the horn slowly to leave Krishnapuri bus stand from Srivilliputhur at 8.20 A.M. The said bus was moving slowly on the left side of the road near Mahatma Gandhi School in Periya Mariammankoil junction on the Srivilliputhur to Rajapalayam Bypass Road at around 8.35 A.M. When the said bus was moving slowly on the left side of the road near Mahatma Gandhi School, a lorry was coming towards the said respondent's bus. The driver of the said respondent noticed this and tried to stop the said bus slowly on the left side of the road. When Ayyanar, who was driving a two-wheeler on the left side of

the said bus on the said road, did not pay attention to the fact that there was a lot of sand on the left side of the said bus and skidded on the said sand. Ayyanar, was unable to stop the two-wheeler as it was coming at a high speed and fallen on the road. The only reason for the above accident is the high speed, carelessness and inattention of the driver of the two-wheeler. Since the place where the accident occurred is a curved road, and there are temples in the said place and there is a heavy crowd of people, and there is an iron barrier installed by the police at the place where the accident occurred, there is no chance for the driver of the respondent to drive the bus driven at a high speed. At the time of the above accident, the driver of the said two-wheeler, Ayyanar, was not wearing a helmet, did not pay attention to the nature of the road, and did not pay attention to the vehicles coming on the road, which is why the above accident occurred. Since the driver of the respondent was not responsible for the above accident in any way and the negligence of Ayyanar, who was driving the two-wheeler, was the cause of the above accident, the respondent is not liable to pay any compensation to the petitioners.

2) If Ayyanar had been driving the TN 67 S 7911 TVS XL two-wheeler with due care and negligent at the time of the accident, the above accident would have been averted. Since this accident did not occur due to the negligence of the driver of the respondent, this respondent is not liable to pay any compensation to the petitioners. But the petitioners, using the influence of the public, have concealed all the facts and filed a false criminal case against the driver of the respondent at the Srivilliputhur Town Police Station under First Information Report No. 1159/2020, alleging false circumstances. The driver of the respondent is properly contesting the false criminal case in the Srivilliputhur Judicial Magistrate No.II Court. Considering the fact that a criminal case has been filed against the driver of the respondent, it cannot be accepted that the negligence of the respondent's driver was the cause of this accident. The driver of the above respondent has sent an objection petition to the Virudhunagar District Superintendent of Police, Srivilliputhur Deputy Superintendent of Police and the Inspector of the Town Police Station on 06.11.2020, seeking the dismissal of the criminal case filed against the above respondent's driver as it is false. It is prayed that the above objection petition may also be included as a part hereof.

3) The accident did not occur due to the negligence of the driver of the respondent. Since the accident was caused solely by the said TN 67 S 7911 TVS XL driver of two-wheeler, the respondent is not liable to pay any compensation to the petitioners. The owner of the TN 67 S 7911 TVS XL two-wheeler that was being driven by the deceased at the time of the accident and the insurance company are necessary and necessary parties to the petition. Therefore the petition is liable to be dismissed.

4) The petitioners themselves are bound to prove the claims made by the petitioners that Ayyanar, who died in the accident that took place on 24.10.2020, was the husband of the 1st petitioner, the father of the 2nd to 5th petitioners, and that the

above mentioned person had his own shop and was running a vegetable shop through which he was earning an income of Rs. 3500/- per day and Rs. 1,05,000/- per month. The above mentioned Ayyanar died due to old age and did not die due to injuries sustained in the accident. The allegations that the Ayyanar was strong and healthy at the time of the accident, that Ayyanar was the one who took care of the petitioners, that the above mentioned person was loving and affectionate towards the petitioners, that the petitioners were also loving and affectionate towards the above mentioned person, that due to Ayyanar's death, there was no one to support the petitioners, that due to Ayyanar's death, the petitioners suffered a loss of income and that the future life of the petitioners was also affected, are all completely false allegations made for the purpose of the petition. The above mentioned 2 to 5 petitioners are married and are living as a separate family with the above mentioned person's husband and children. The above mentioned 2 to 5 petitioners did not live on the income of the deceased Ayyanar. The above mentioned person was not maintained by the above mentioned deceased Ayyanar. It is very important for the petitioners themselves to present witnesses and documents in court to prove the claims made by the petitioners that the deceased Ayyanar was 63 years old at the time of the accident. At the same time, the petitioners have not filed any other court with the appropriate witnesses and documents to prove that the petitioners are the heirs of the deceased Ayyanar and that such a petition is being filed. The petitioners are obliged to prove in court that the Ayyanar, who was driving the above TN 67 S 7911 TVS XL two-wheeler, has a valid driving license and that he was wearing a helmet at the time of the accident. Since all the allegations made by the petitioners in paragraphs 1, 2 and 3 are false on the basis of the above information, the petitioners are legally bound to prove the allegations made by the petitioners in paragraphs 1 to 8 in the court of law.

5) The petitioners are not entitled to any of the compensation claimed by the petitioners in Section No. 20 (a) Part 1 of the petition. The compensation claimed by the petitioners is Rs. 60,00,000/- which is very high and the amount is also not available to the petitioners. If any compensation is available to the petitioners, the owner of the TN 67 S 7911 TVS XL two-wheeler driven by the deceased Ayyanar and the insurance company are liable to pay the compensation to the petitioners. Since the accident was solely due to the negligence and carelessness of Ayyanar, who was driving the said TN 67S 7911 TVS XL two-wheeler, the respondent is not liable to pay any compensation to the petitioners under the Motor Vehicle Compensation Act.

Therefore, it is prayed that this Hon'ble Court may be pleased to dismiss the claim petition with cost and thus render Justice.

**4) Now the points that arises for consideration in this petition is as follows:**

1. Whether the accident was happened only due to the rash and negligent driving of the driver of the Bus bearing Regn.No. TN 67 N 0632?

2. Whether the Petitioners are entitled to claim compensation and Who is liable to pay compensation?

3. If so, to what amount of compensation, the petitioners are entitled to?

5) On the side of the Petitioners, the Wife of deceased namely 1<sup>st</sup> Petitioner/Kasiammal was examined as PW.1 through her Ex.P1 to Ex.P14 were marked. And one Radhasankar was examined as PW2 through him Ex.P15 document was marked. And one Emarajan-witness was examined as PW3 through him Ex.P16 was marked. On the side of the Respondents, RW1/1st Respondent was examined and Ex.R1 document was marked.

**6) Point No.1**

(6-i) The vehicles are involved in the accidently namely the TVS XL vehicle bearing the registration number TN 67 S 7911, belonged to the deceased Ayyanar and the TNSTC Bus bearing registration number TN 67 N 0632 and the death of Ayyanar are admitted by R1 and R2. But the factum and manner of Accident is liability is denied by the R1 and R2 in the counter statement of R2 which is adopted by R1/the Driver of the TNSTC Bus and R1, R2 are contesting the case.

(6-ii) And in order to prove the claim, the 1<sup>st</sup> petitioner, wife of the deceased has been examined as PW1. She has deposed in line with the facts as are narrated in the claim petition by having support of the exhibits. The certified copy of the FIR was marked as Ex.P1, in which it is seen that the Criminal case was registered as against the Driver of the TNSTC Bus/R1 in Cr.No.1159/2020 under Section 279, 304(A) of IPC. The recital of the FIR, further reveals, that the rash and negligent driving of the Bus driver was the main cause for the Accident. And likewise the Final Report also was filed against the Bus driver, vide Ex.P8. It is not denied by R1 and R2. And it is an admitted fact that the deceased was proceeding in his Two wheeler in front of the 3<sup>rd</sup> petitioner, the son of the deceased was proceeding on the back side of the deceased in his Two wheeler to their Vegetable shop on the occurrence day and time and they came near the Mahatma school on the Bypass road from Srivilliputhur to Rajapalayam on Western side to Eastern side on the curve road, while trying to turn towards south, the occurrence was happened. And it is an admitted fact, the R1 who was driving the Government Bus from Srivilliputhur to Krishnaperi. And it is an admitted fact that the deceased and the 3<sup>rd</sup> petitioner his son, were proceeded on the left side of the road.

(6-iii) And now the petitioners case and plea is, the Driver of R2, who was driving the Government Bus from Srivilliputhur to Krishnaperi with a rash and negligent manner at high speed and carelessly on the curve, even though he knew that

he should not over take the vehicle in front without sounding horn and dashed on the back side of the deceased Two wheeler and he fallen down and left side rear wheel of the Bus rammed on his Body and he had sustained multiple injuries all over his body and he died due to the occurrence and the Post mortem Report, the certified copy is marked as Ex.P2.

(6-iv) on the other hand the R2 has denied the negligence act on the part of the R1 and R2 has stated in its counter that the said Bus was moving slowly on the left side of the road near the occurrence place on the Srivilliputhur to Rajapalayam road at around 08.35 A.m., and a Bus was moving slowly on the left side of the road and a Lorry was coming towards the Respondent's Bus and further it is stated that the driver of the Bus, had noticed and tried to stop the Bus slowly on the left side of the road and the deceased did not pay attention on the road and there was a heap of sand and the deceased skidded from his Two wheeler and had fallen down. And further it is contended that the occurrence had been taken place due to rashness and negligence and careless driving of the said Two wheeler by the deceased and he only invited his cause of death and further it is contended that there is no rash and negligent driving of the driver of the said Bus as alleged in the petition and as deposed in the PW1's evidence. And further it is contended, the owner of the TVS XL TN 67 S 7911 and the Insurance Company are the necessary parties to this petition and the petitioners are not entitled to receive the claim amount from the Respondents.

(6-v) It is denied as false by the petitioners side. And on the side of petitioners, it is pleaded in the petition and in the evidence of PW1, it is averred and deposed that the reason for the Accident is the rash and negligent driving of the Bus driver. And on the side of R1 and R2, Ex.P1 to Ex.P8 are not denied and it is an admitted fact that if complaint was preferred against the deceased by saying that there is no rash and negligent on the part of R1/Driver to rebut Ex.P1. No copy of Complaint is marked by RW1 and no other witness was examined by R1 & R2.

(6-vi) And during the course of enquiry on the side of R1 and R2, the Driver of the Bus/R1 was examined as RW1 and through him. Ex.R1 the online copy of the Judgment passed in CC.No.36/2021 dated 08.08.2024 on the file of Learned Chief Judicial Magistrate Court, Srivilliputhur, is marked. And further it is the defence on the side of R1 and R2, that the Driver of the Bus/R1 was acquitted from the Criminal proceedings and the Learned Chief Judicial Magistrate has found the Accused/R1 was not guilty for the offences under Section 279 and 304(A) of IPC. And on a perusal of the Ex.R1 it does reflect: " Therefore the Benefit of doubt is accorded. And in this

regard this Court is of view, that the R1/Accused was not fully discharged from the charges. And further this Court is of the view that the Judgment as rendered in the Criminal proceeding's is not binds upon the Motor Accident Tribunal claim for analysing and awarding compensation as a remedial measure in nature. And on conjoint reading of Ex.P1, Ex.P8 and Ex.R1 and evidences of PW1 and RW1, this Court hereby does not hesitate to come to the conclusion that the accident was occurred only due to the rashness and negligence driving of the driver/R1, of the said Bus only and to the said effect the point No.1 is answered accordingly.

### **7) Point No.2**

(7-i) It is an admitted fact that the Bus bearing Registration number TN 67 N 0632 belongs to the R2. Therefore R1 and R2 are jointly and severally liable to pay compensation for the death of Ayyanar in the accident and the petitioners are entitled to receive the claim amount and to the said effect Point No.2 is answered accordingly.

### **8) Point No.3**

(8-i) PW1 has stated that her husband deceased was aged 63 years old and he was running vegetable wholesale shop at Pennington market, Srivilliputhur and he was very hale and healthy and was earning an daily Income of Rs.3,500/- and Rs.1,05,000/- per month and he has contributed the same to the welfare of the Family members. And he had a great love and affection with the family members and they have lost their love and affection and income.

(8-ii) And in order to prove the age as 63 years old, on the side of petitioners Ex.P2 Post-Mortem Certificate (Certified copy) and Ex.P9 Death Certificate online copy. And on a perusal of the same it says 63 years. Hence this Court is inclined to fix at the time of Accident his age was 63 years old. And the multiple is applicable as 7.

(8-iii) And from Ex.P10, the Legal Heirs Certificate, it shows all the petitioners are the legal heirs of the deceased as well as the deceased's mother namely Thiriya Ammal aged about 85 years. But no where in the petition and the evidence of PW1 it was disclosed. And on the side of R1 and R2. They were not saying anything about it. P2 to P5 have got married and they are living separately with their family members. Hence P1/wife of the deceased was depending on the Income of the deceased and she is entitled the claim of compensation and P2 to P5 are entitled to receive as just compensation amount.

(8-iv) And in order to prove the avocation income of the deceased on the side of petitioners PW2 and PW3 are examined. And through PW2, Ex.P15 was marked. PW2 has deposed that he was the secretary of the Pennington Committee and the deceased had taken a shop No.9 for doing vegetable Business from 1995 to 2020, till the date of occurrence and he has paid Rs.725/-per month as rent. And the rent receipts were marked through PW1 as Ex.P14. Hence it is proved that the deceased was doing vegetable business. It is not denied by the Respondents.

(8-v) And the witness, namely PW3 was examined and through him Ex.P16 was marked. And he has deposed that he was working in the deceased shop from 2000 to 2020. And no document is marked through him and he has deposed that the deceased was earning an Income as Rs.3,500/- per day. And in order to prove the same, No document was filed by the petitioners side even through PW3 also. Hence in the absence of the proof of the daily Income of the deceased as Rs.3,500/- (Rs.1,05,000/- as monthly Income) this Tribunal is inclined to fix monthly Income as Rs.12,000/- since the occurrence had taken place in the year of 2021 and this Tribunal does feel, it is so reasonable and not by excessive.

(8-vi) The guideline rendered in the Judgment in the SLP. (Civil) No.25590 of 2015, National Insurance Company Limited Vs Pranay Sethi and others was carefully observed.

(8-vii) The monthly Income of the deceased was fixed at Rs.12,000/- per month and the age of the deceased was fixed at 63 years and the multiplier is taken as 7. Since the petitioners were 5 and it is possible by deducting 1/4 being his personal expenses. Hence  $Rs.12,000 \times 1/4 = Rs.3,000/-$  ( $Rs.12,000 - 3,000 = Rs.9,000/-$ ) Totally Comes as Rs.9,000/- per month. Hence, the loss of income of the deceased is arrived as  $Rs.9,000 \times 12 \times 7 =$  a total sum of Rs.7,56,000/-

(8-viii) During the course of argument, the Counsel who is appearing for the Petitioners contents that the Tribunal may fix and grant under the head, Loss of Love and Affection along with conventional Heads of Loss of Estate, Consortium and Funeral Expenses etc.

*In this regard, this Tribunal does wants to rely upon the Hon'ble Apex Court's Judgment which was pronounced in the Civil Appeal No.3093/2020 (Arising Out of SLP (C) No.23478/2020, dated 07.09.2020. In obedience to the Hon'ble Apex Court Judgment, it is well settled by the Hon'ble Apex Court that no compensation can be awarded under the head Loss of Love and Affection and further the Hon'ble Apex Court*

*also has held that Loss of Love and Affection is comprehended in Loss of Consortium, hence there is no justification to award compensation towards Love and Affection as a separate head and in obedience to the Hon'ble Apex Court's Judgment, it is relevant to pass an award both spousal and parental consortium and that much only the petitioners are entitled to receive apart from the award amount of Loss of Estate and the Funeral Expenses. And in obedience to the Hon'ble Apex Court's Authority, this Tribunal also does feel that Consortium is not limited to Spousal consortium and it also includes Parental consortium and as much the 1<sup>st</sup> petitioner is entitled to receive Rs.40,000/- under the same head. And in obedience to the Hon'ble Apex Court's Authority, the petitioners are not entitled to receive the Award Amount under the Head of Loss of Love and Affection.*

(8-ix) In fine a sum of Rs.7,56,000/- is awarded towards Loss of Dependency. And for the Compensation Under convention a Heads, and Awards of incompilance of dictum is Pranay Sethi (SC). Amounts as fixed by the Apex Court in year 2017 to be enhanced by 10% every 3 years and taking 10% each towards periods 2020-2023, amount as fixed towards Loss of Consortium enhanced from Rs.40,000/- to Rs.44,000/- each. And amounts fixed towards Funeral Expenses and Loss of Estate. Since Claimant entitled to Compensation under Loss of Consortium (Spousal/Son/Daughters) Rs.2,20,000/- Loss of Estate Rs.15,000/-X5=75,000/- and Loss of Funeral Expenses Rs.15,000/- Thus to the petitioners are entitled to get a sum of Rs.10,66,000/- as Compensation and the Point No.3 is decided accordingly.

**The petitioners are entitled for compensation under various heads as follows :-**

1. Loss of dependency	Rs.7,56,000/-
2. Loss of Estate (P1 to P5)	Rs.75,000/-
3. Funeral expenses	Rs.15,000/-
4. Loss of Consortium (P1 to P5)	Rs.2,20,000/-
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<b>Total</b>	<b><u>Rs.10,66,000/-</u></b>

In the result,

1. that the petition be and the same is hereby partly allowed with proportionate interest and cost.
2. that the Respondents 1 and 2 are jointly and severally liable to pay a sum of **Rs.10,66,000/-** to the Petitioners together with interest at the rate of 7.5% per annum from the date of petition on **26.07.2021** till the date of deposit along with proportionate cost.

3. that the 2nd Respondent shall deposit Award Amount in this **MCOP No.118/2021** within one month from the date of this order by NEFT/ RTGS mode in the Additional District Judge "MACT", Srivilliputhur, Bank **Account No.42799291768, IFSC No.SBIN0000921 , MICR Code No.626002052, Account Type – Current Account of State Bank of India, Srivilliputhur** of State Bank of India, Srivilliputhur under intimation to this Tribunal by way of sending pay advice slip.
4. that the 1<sup>st</sup> Petitioner is the Wife of the deceased and she is entitled to receive **Rs.5,66,000/-**-together with subsequent interest and proportionate cost and the and 2 to 5<sup>th</sup> Petitioners each are entitled to receive **Rs.1,00,000/-**-together with subsequent interest and proportionate cost.
5. that the petitioners are directed to deposit the balance court fee of **Rs.10,033/-** within 15 days from the date of award on **06.03.2026**. The petitioners shall not be entitled to withdraw the sum deposited pursuant to the award, with cost unless the balance court fees is deposited.
6. that the Petitioners are permitted to withdraw 50% from their share amount along with interest and proportionate cost immediately after deposited by 2<sup>nd</sup> Respondent subject to deposit of their share of balance court fees and Balance 50% Award Amount shall be deposited in to the Nationalised Bank for 3 years.
7. that the Advocate Fee for the petitioners is fixed as **Rs.17,660/-**
8. that the 2<sup>nd</sup> respondent is directed to pay a sum of **Rs.27,793/-** as being the cost to the petitioners as tabulated herein.

**Other Necessary Particulars:**

Date of Petition	:	26.07.2021
Date of Award	:	06.03.2026
Amount of Compensation claimed is	:	Rs.60,00,000/-
Amount of Compensation is awarded by this Tribunal is	:	Rs.10,66,000/-
Court Fee payable for the said amount is	:	Rs.10,033/-
Court Fee already paid	:	NIL
Balance court fee to be paid	:	Rs.10,033/-

**Cost calculated on the side of Petitioners**

<b>Particulars</b>	<b>Petitioners side</b>	<b>Respondents side</b>
Court fees	10,033.00	
Court Fee on Vakalath	10.00	
Process fee	90.00	---
Advocate fee	17,660.00	
<b>Total</b>	<b>Rs.27,793.00</b>	

(Cost List not filed by the petitioners side).

*In pursuance of the direction of the Hon'ble High Court of Madras dated 12.05.2020 and for the said compliance, both side Counsels are entitled to receive Free Award Copies from today within 15 days. And further it is ordered to receive the Free Award Copies, both side Counsels are directed to file a Memo in this regard before this Court from the date of passing award within 15 days. And further it is ordered as per the direction of the Hon'ble High Court, Madras, this Court is not insisting on parties filing of Copy Applications for the purpose of receiving their respective Free Copies of Award. And further it is informed, as per the direction of the Hon'ble High Court, as far as this Claim Petition is concerned, Decree is not drafted separately. And in the Award, instead of drafting the Decree, necessary details have been incorporated in this Claim Petition's order.*

Dictated to the Steno Typist, directly typed by her in the computer, corrected and pronounced by me in open court, on this the 6<sup>th</sup> day of March 2026.

MOTOR ACCIDENT CLAIM TRIBUNAL JUDGE/  
(ADDITIONAL DISTRICT JUDGE)  
SRIVILLIPUTHUR.

**Petitioners side witnesses:**

PW1 - Tmt.Kasiammal (1<sup>st</sup> Petitioner)

PW2 - Thiru.Radhasankar

PW3 - Thiru.Emarajan

**Petitioners side exhibits:**

Ex.P1 - Certified copy of the First Information Report

Ex.P2 - Certified copy of the Post-mortem Report

Ex.P3 - Certified copy of the Motor Vehicle Inspector's report for the Bus bearing registration number TN 67 N 0632

- Ex.P4 - Certified copy of the Accident Register of deceased Ayyanar
- Ex.P5 - Certified copy of the statement of witnesses in criminal case
- Ex.P6 - Certified copy of the Observation Mahazar
- Ex.P7 - Certified copy of the Rough Sketch
- Ex.P8 - Certified copy of the charge sheet
- Ex.P9 - Certified copy of the death certificate Ayyanar
- Ex.P10 - Certified copy of the legal heir certificate
- Ex.P11 - Aadhaar card of the All petitioner, compared with the original
- Ex.P12 - PAN card of the All petitioner, compared with the original
- Ex.P13 - First page of the All petitioner's bank passbook, compared with the original
- Ex.P14 series - Rent paid by the deceased Ayyanar for Vegetable shop
- Ex.P15 – Certificate issued by the Pennington Committee dated 27.01.2025
- Ex.P16 - Aadhaar card of the PW3, compared with the original

**1, 2 Respondents side Witnesses**

RW1 – Thiru.Ponnusamy (1<sup>st</sup> Respondent/Driver)

**1, 2 Respondents side Exhibit :**

Ex.R1 – Online Copy of the judgment issued in Calendar Case No.36/2021 by the Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur, regarding the accident.

MOTOR ACCIDENT CLAIM TRIBUNAL JUDGE/  
(ADDITIONAL DISTRICT JUDGE)  
SRIVILLIPUTHUR.

MOTOR ACCIDENT CLAIM TRIBUNAL/  
(ADDITIONAL DISTRICT COURT)  
SRIVILLIPUTHUR.  
MCOP.No.118/2021, Order Dated: 06.03.2026

**MCOP.No.118/2021, Order Dated: 06.03.2026**

Orders is pronounced. In the result,

- 1) that the petition be and the same is hereby partly allowed with proportionate interest and cost.
- 2) that the Respondents 1 and 2 are jointly and severally liable to pay a sum of **Rs.10,66,000/-** to the Petitioners together with interest at the rate of 7.5% per annum from the date of petition on **26.07.2021** till the date of deposit along with proportionate cost.
- 3) that the 2nd Respondent shall deposit Award Amount in this **MCOP No.118/2021** within one month from the date of this order by NEFT/ RTGS mode in the Additional District Judge "MACT", Srivilliputhur, Bank **Account No.42799291768, IFSC No.SBIN000921 , MICR Code No.626002052, Account Type – Current Account of State Bank of India, Srivilliputhur** of State Bank of India, Srivilliputhur under intimation to this Tribunal by way of sending pay advice slip.
- 4) that the 1<sup>st</sup> Petitioner is the Wife of the deceased and she is entitled to receive **Rs.5,66,000/-** together with subsequent interest and proportionate cost and the and 2 to 5<sup>th</sup> Petitioners each are entitled to receive **Rs.1,00,000/-** together with subsequent interest and proportionate cost.
- 5) that the petitioners are directed to deposit the balance court fee of **Rs.10,033/-** within 15 days from the date of award on **06.03.2026**. The petitioners shall not be entitled to withdraw the sum deposited pursuant to the award, with cost unless the balance court fees is deposited.
- 6) that the Petitioners are permitted to withdraw 50% from their share amount along with interest and proportionate cost immediately after deposited by 2<sup>nd</sup> Respondent subject to deposit of their share of balance court fees and Balance 50% Award Amount shall be deposited in to the Nationalised Bank for 3 years.
- 7) that the Advocate Fee for the petitioners is fixed as **Rs.17,660/-**
- 8) that the 2<sup>nd</sup> respondent is directed to pay a sum of **Rs.27,793/-** as being the cost to the petitioners as tabulated herein.

MOTOR ACCIDENT CLAIM TRIBUNAL JUDGE/  
(ADDITIONAL DISTRICT JUDGE)  
SRIVILLIPUTHUR.