



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

Thursday the 18th day of June 2026

M.C.O.P. No.210/2021

*(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 **TNVR010034322021** to the above said case).*

- 1) Murugeswari, aged about 47, W/o.Late Mahalingam, residing at Door No. 147, Keelpakkam South street, Mangapuram, Srivilliputhur Town, Virudhunagar District.
 - 2) Muthumari, aged about 26, D/o.Late Mahalingam, residing at Door No. 147, Keelpakkam South street, Mangapuram, Srivilliputhur Town, Virudhunagar District.
 - 3) Vairamuthu, aged about 21, S/o.Late Mahalingam, residing at Door No. 147, Keelpakkam South street, Mangapuram, Srivilliputhur Town, Virudhunagar District.
 - 4) Muthulakshmi, aged about 20, D/o.Late Mahalingam, residing at Door No. 147, Keelpakkam South street, Mangapuram, Srivilliputhur Town, Virudhunagar District.
 - 5) Arumugathaai, aged about 75, W/o.Late Ponnaiya, residing at Door No. 147, Keelpakkam South street, Mangapuram, Srivilliputhur Town, Virudhunagar District.
- ... Petitioners.

/Versus/

- 1) Selvi, age about 42 years, D/o.Subbaiah, residing at D.No.2/374, Madavarvalakam, Pillaiyar Kovil Street, Srivilliputhur Town, Virudhunagar District.
 - 2) Branch Manager, IFFCO TOKIO GENERAL INSURANCE COMPANY LTD., 2nd Floor, 82, Pritam Plaza, Chandrakanthi Nagar, Ponmeni, Bypass Road, Madurai -16
- ... Respondents.

This Petition was filed on 21.10.2021 and taken on file on 20.12.2021 and came up before me for final hearing on 25.11.2025 in the presence of **Thiru.V.Raviraj**, Advocate appearing for the Petitioners, and 1st Respondent was called absent set exparte on 07.03.2022 and **Thiru.R.Ravikumar**, Advocate appearing for 2nd Respondent and after hearing the Arguments on both side and upon perusing the case

records and having stood over for consideration till this day, this court hereby delivered the following

ORDER

The Petitioners have filed this petition U/S.140, 141,142, 166 and 182A r/w 3(1) of Motor Vehicles Act against the Respondents 1 and 2 for claiming compensation of Rs.20,00,000/- for the death of Mahalingam S/o.Late.Ponnaiya in the Motor Vehicles Accident which took place on 24.11.2020 at 06.30 P.M. at Krishnankovil to Srivilliputhur road near Annai Two wheeler service centre.

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

1) The 1st petitioner is the wife of Mahalingam who died in a vehicle accident. The 2nd to 4th petitioners are the daughters and son of the deceased Mahalingam. The 5th petitioner is the mother of the deceased Mahalingam.

2) Mahalingam, who died in a vehicle accident on 24-11-2020, was working as a head painter for whitewashing houses and a matchbox office foreman agent, earning up to Rs. 30,000/- per month. Mahalingam was 50 years old at the time of the accident.

3) On the 24th day of the month of November, 2020, at about 6.30 pm, Nambiar and his siblings were travelling on the left side of the road from Krishnankovil to Srivilliputhur on the southern tar road from the south to the north near Annai Two Wheeler Service Center. At that time, Mahalingam, the husband of the 1st petitioner, the father of the 2nd to 4th petitioners and the son of the 5th petitioner, along with Soundarapandi and Thangavel, who had finished their work as a whitewasher, were travelling on the left side of the road towards Srivilliputhur on a two-wheeler bearing the number TN.84F.3332. At that time, a vehicle with the registration number TN.84 F.0960 TYOTO EHIOS, belonging to the 1st respondent, was driving from north to south, and its driver, Parthasarathy, drove carelessly and without honking the horn and hit the two-wheeler driven by Soundarapandi. As a result, Soundarapandi, Thangavelu and Mahalingam, who were travelling in the two-wheeler, were thrown and injured. In this, Mahalingam suffered a fracture and laceration in his right thigh and was admitted to the Srivilliputhur Government Hospital for treatment, but without any success, he died at the Hospital at 8.00 pm on 24-11-2020. In the same incident, Nambiar and Muneeswari, who were travelling in the two-wheeler TN.84 B.5676, sustained injuries. The car was driven at high speed.

4) The accident was caused by the carelessness, speeding and recklessness of the driver Parthasarathy, who was driving the car belonging to the 1st respondent bearing number TN.84F.0960. If the driver of the vehicle had been driving carefully, this accident would not have occurred.

5) Regarding the accident, a complaint was filed at the Krishnankovil Police Station on 24-11-2020 against the driver of the 1st respondent, Parthasarathy, and in Cr.No. 807/2020 First Information Report has been registered under Sections 279, 337, 338, 304(A) of the Indian Penal Code. The criminal case is pending in the Srivilliputhur Judicial Intermediate Court No. II.

6) Before the accident, Mahalingam was in good health and was working as a whitewash head painter and matchbox office foreman agent and earning up to Rs. 30,000/- (Rupees thirty thousand) per month. used to give all the money to his family. Mahalingam was about 50 years old at the time of the accident. Considering the increase in income he would get in the future from the work he was doing, his monthly income should be taken into account as Future Prospects at least 15%. If he had not died after this accident, he would have been alive and working for more than 20 years and would have earned sufficient income to take good care of and maintain these petitioners. The deceased Mahalingam was very loving and affectionate towards his family. The petitioners were also very loving and affectionate towards the deceased Mahalingam.

7) Since Mahalingam has passed away, all the petitioners are living a very difficult life with no income and heartache. Petitioner 1 lost her husband at a young age and became a widow and lost her home life. Petitioners 2 to 4 have lost their fathers and have lost their income, love and affection to move forward in life, and have suffered great mental anguish and mental distress. Petitioner 5 has lost her son and is living a difficult life with no income. Since all the petitioners have been living solely on Mahalingam's income, the future of the petitioners has become questionable. The mental distress caused to the petitioners, the loss of future income, love, affection, and loss of Rs.20,00,000/-

8) The cause of the accident was the negligence of Parthasarathy, the driver of the 1st respondent's car TN.84 F.0960 Tyoto Ethios. At the time of the accident, the car bearing the number TN.84 F.0960 Tyoto Ethios owned by the 1st respondent was insured by the present respondent. The insurance was in force on 24-11-2020, the date of the accident. Therefore, since the vehicle owned by the 1st respondent was insured by the 2nd respondent and the insurance was in force at the time of the accident, the 1st respondent or the 2nd respondent, jointly or individually, are liable to pay a compensation of Rs. 20,00,000/- to the present petitioners. Hence this petition filed.

3) The brief averments contained in the counter filed by the 2nd Respondent is as follows:

1) The petition filed by the petitioners are false, frivolous, vexatious and fraudulent. The petition is not maintainable either in law or on facts and the petitioners are put to strict proof of the same.

2) Save such of those allegations that are expressly admitted here under, all the other allegations contained in the petition are denied as false and incorrect.

3) This respondent admits that the vehicle bearing registration number T.N.84 F 0960 Toyota EDIOS was insured with this respondents at the time of accident. But this respondent denies, the manner of the accident alleged by petitioners. This respondent is not liable to pay any compensation to the petitioners.

4) This respondent denied that the petitioners are the legal heirs and dependents of the deceased Mahalingam petitioners are put to strict proof of the same by the proper and lawful documentary evidence. are all denied as false.

5) The manner of accident alleged by the petitioners in column 23 of the petition is not true and correct and it has been stated by the petitioners to suit their convenience and end. The allegation in column 23 that on 24.11.2020 at about 6.30 p.m., the deceased soundarapandian has riding Motor cycle bearing registration number TN.84 F 3332, along with one Thangavel and deceased Mahalingam from North to Krishnankovil to Srivilliputtur main road. When the above deceased Mahalingam was nearing Annai Two-wheeler Service centre and at that time the Is Respondent's driver one Parthasarathi drove the TOYOTO ETIOS CAR bearing registration number TN 84 F 0960 with one Revathi from South to North road without following the road rules and dashed against the above vehicle bearing registration number T.N.84 F 3332 and dashed against another two wheeler bearing registration number T.N.84 B 5676. Due to the above said accident the deceased Mahalingam, Soundarapandiyan, Muneeswari, one Revathi and Thangavel had got grievous injuries and the above Mahalingam was died on the spot are all denied as false baseless one and the petitioners have to prove each and every one of the same.

6) This respondent submits that the manner of accident as alleged in the petition is invented by the petitioners with an aim to obtain compensation from this respondent. This respondent submit that on 24.11.2020 at about 6.30 P.M. while the driver of the Ist respondent who drove TOYOTO CAR bearing registration number T.N. 84 F 0960 in careful manner by observing all traffic rules and regulation of the road Krishnankovil to Srivilliputtur main road near Annai service centre. At that time deceased Soundarapandian riding the two wheeler bearing registration number T.N. 84F 3332 Hero Mastro along with one. Thangavel and deceased Mahalingam on Krishnankovil to Srivilliputtur main road, same North to South road in a abnormal speed and without observing the traffic rules and regulation and suddenly stop the vehicle without any signal. At that time when the Ist Respondent's car try to apply the brake to avoid the accident. At that time the Ist respondent's car dashed against the two wheeler bearing registration number T.N.84 F 3332 and the above said vehicle bearing registration number T.N. 84 B 3332 dashed against the another two wheeler bearing registration number T.N. 84 B 5676 BAJAJ PLATINA which was driven by one Nambiyar along with his sister Muneeswari. Due to the above said accident one Thangavel, Muneeswari, Revathi, and deceased Soundarapandiyan had got injuries and the above Mahalingam was died on the Spot. Since the entire negligence was committed by the T.N. 84 F 3332's vehicle driver Soundarapandiyan at the time of accident. Hence the

above said accident had happened only due to negligent of the above driver Soundarapandiyan. Hence the manner of accident was wrongly mentioned in the claim petition. This Respondent further submitted that the manner of occurrence of the accident by the above driver deceased Soundarapandiyan not by the Ist Respondent's driver. The claim petition Col-23 of the petition is not true and it has been stated by the petitioners to suit their convenience and end. The above petitioners alone are put in to prove the manner of accident as they shown in the petition. The fact that the FIR has been lodged against the 1 st respondent's driver not itself deciding factor on the question of negligence.

7) This respondent further submitted that the two wheeler bearing registration number T.N. 84 F 3332 Motor Cycle was carrying three person at the time of accident which was against established legal dictum, hence the above driver Soundarapandiyan alone was responsible for the cause of accident by riding Motor Cycle along with three persons are contrary to Motor Vehicle Act.,

8) This respondent further submitted that see 3 (1) of our motor vehicle Act clearly says that" no person shall drive a Motor vehicle in any public place unless he holds an effective license driving the vehicle to him authorizing him to drive the vehicle and no person shall drive a transport vehicle hired for his own or rented under any scheme made under him so to do "But at the time of accident the above vehicle bearing registration number T.N 84 F 3332's driver Soundarapandiyan and the vehicle bearing registration number T.N. 84 B 5676's driver Nambiyar have not valid driving licenses to drive the vehicles. The above both two Motor Cycles were not insured. Hence they are breached the Motor vehicle Act. Hence this respondent is not liable to pay any compensation to the petitioners.

9) The various claim of the petition in Col 3,4,6,11,12, Col-21 and Col-21 part-1, part-II, are false imagining and hence denied. The above claim is only fakes. The petitioner is not entitle to get Rs. 20,00,000/- towards compensation. Since they are all vague claim made without any basis what so ever.

10) The Petitioner is not entitled to any claim under no fault liability if this Hon'ble Court decide to pass any award it may be subject to terms and conditions of policy.

11) This respondent has reserved his right for filing additional counter if necessary.

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 TYOTO EHIOS bearing Regn.No. TN 84 F 0960 ?

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, 1st petitioner was examined as PW1 through her Ex.P1 to Ex.P9 documents were marked. And one Kottaimani was examined as PW2. On the side of the Respondent No.2, the Driver one Parthasarathy was examined as RW1 and through his cross examined Ex.P10 document was marked. Petition under Section 170 of M.V.Act was filed by R2 and I.A.No.3 of 2024 was allowed on 25.03.2024.

6) Point No.1

(6-i) The vehicles are involved in the accident namely TN 84 F 3332 a Two wheeler and the car bearing Registration No.TN 84 F 0960 TYOTO EHIOS is admitted by R1 and R2. But the manner, factum of the Accident and their liability is denied by R2 in the counter statement. But during the course of Enquiry on the side of R1. No witnesses has been examined and no document has been marked to belie the statement and claim of the petitioners and to disprove the contentions as raised in the petition. Admittedly on the side of R2 to disprove the contentions as raised in the petition and to establish the contentions as are narrated in the counter, the Driver of R1's vehicle, namely Parthasarathy was examined as RW1 and through him, no documents were marked.

(6-ii) In order to prove the claim, 1st petitioner namely Murugeswari who is the wife of the deceased was examined as PW1. And one eye witness namely Kottaimani was examined as PW2. They had deposed in line with the facts as are narrated in the claim petition by having support of the exhibits. The certified copy of the F.I.R. and the certified copy of the Final Report were marked as Ex.P1 and Ex.P10, in which it is seen that the criminal case was registered as against the Driver of R1 car TYOTO EHIOS bearing registration number TN 84 F 0960 in Cr.No.807 of 2020 of Krishnankovil Police Station. The recitals of Ex.P1 and Ex.P10 further reveals that the negligent act of the driver of the said car was the main cause for the Accident. The complaint was given by one Nambiar, who was travelling with his sister on the left side of the road from Krishnankovil to Srivilliputhur on the Southern tar road from the south to north, near Annai Two wheeler service centre, bearing registration number TN 84 B 5676 who was available at the occurrence place at the time of occurrence.

(6-iii) On the other hand, the 2nd respondent has contented that the Driver of R1 has driven the Car, slowly and cautiously and by following all the rules of the road from Krishnankovil to Srivilliputhur main road near Annai Service Centre and at that time the rider Soundarapandian riding the Two wheeler bearing registration number TN 84 F 3332 Hero Mastro along with one Thangavel and the deceased Mahalingam on the

same road from North to South in a abnormal speed and without observing the Traffic Rules and Regulations and suddenly stop the vehicle without any signal and at that time when the R1's car dashed against the Two wheeler bearing registration number TN 84 F 3332 and the above said vehicle bearing registration number TN 84 F 3332 dashed against the another Two wheeler bearing registration number TN 84 B 5676 Bajaj Platina which was driver by one Nambiar along with his sister Muneeswari and due to the above said Accident Thangavel, Muneeswari, Revathi, Soundarapandian and the Mahalingam had got injuries and the Mahalingam died on the spot. Since the entire negligence was committed by the TN 84 F 3332's vehicle driver Soundarapandian and not by R1's driver. It is denied by the petitioners and it is pleaded in the petition and in the evidence of PW1 and PW2 and it is averred and deposed that the reason for the accident is that the negligent of driver of R1's car.

(6-iv) And during the course of enquiry on the side of petitioners the alleged occurrence witness namely Kottaimani was examined as PW2. And PW2 in his cross examination he has deposed "அந்த சமயத்தில் செளந்தரபாண்டியன் திடீரென்று எந்த வித சைகையும் செய்யாமல் நிப்பாட்டிவிட்டார் என்றால் சரியல்ல. அதனால் தான் கார் இருசக்கர வாகனத்தின் மீது மோதியது என்றால் சரியல்ல. இந்த விபத்திற்கு காரணம் இருசக்கர வாகனத்தை ஓட்டி சென்ற செளந்திரபாண்டியனின் அஜாக்கிரதை கவனக்குறைவு தான் காரணம் என்றால் சரியல்ல. 1வது எதிர்மனுதாரர் டிரைவர் மீது எந்தவித தவறும் இல்லை என்றால் சரியல்ல. நான் அந்த சமயத்தில் தற்செயலாக வாட்டர் சர்வீஸ் பக்கத்தில் நின்று கொண்டிருந்தேன்."

(6-v) And during the course of enquiry on the side of R2 Driver of R1 was examined and he has deposed in chief by denying the plea of rash and negligent driving and he had let in evidence based on the averments which are raised in the counter of R2.

(6-vi) And RW1 was cross examined and he has deposed that, "இந்த வாகன விபத்திற்கு நான் தான் காரணம் என்று சொல்லி கிருஷ்ணன்கோவில் காவல் நிலையத்தில் எனக்கு எதிராக தான் முதல் தகவல் அறிக்கை பதிவாகி உள்ளது என்றால் சரிதான். இந்த வாகன விபத்திற்கு நான் தான் காரணம் என்ற சொல்லி எனக்கு எதிராக தான் குற்ற இறுதிஅறிக்கை தாக்கல் செய்யப்பட்டது என்றால் சரிதான். என்னிடம் காட்டப்படும் மேற்படி குற்ற இறுதிஅறிக்கையின் நீதிமன்ற சான்றிட்ட நகல் என்றால் சரிதான். அது ம.சா.ஆ.10 ஆகும். இந்த விபத்து நடந்த சாலையானது அகலமான சாலை என்றும் இரு கனரக வாகனங்கள் ஒரே சமயத்தில் வந்து செல்லக்கூடிய அகலமான சாலை என்று சொன்னால் அது சரிதான். இந்த விபத்திற்கு என்னுடைய அதிவேகம் அஜாக்கிரமை கவனக்குறைவு தான் காரணம் என்றும் நான் தான் என்னுடைய காரை அதிவேகமாகவும் அஜாக்கிரதையாகவும் கவனக்குறைவாகவும் ஓட்டிச் சென்று இறந்துபோன மகாலிங்கம் என்பவர் மீது மோதி நான் தான் விபத்ததை ஏற்படுத்தினேன் என்றும் இறந்துபோன மகாலிங்கம் என்பவர் மீது எந்த தவறும் இல்லை என்று சொன்னால் சரியல்ல. 2ம் எதிர்மனுதாரர் கேட்டுக்கொண்டதின் பேரில் நான் பொய்யாக சாட்சியம் அளிக்கிறேன் என்று சொன்னால் சரியல்ல."

(6-vii) On conjoint reading of the evidence of PW1, PW2 and RW1 this Court holds that the defence as taken by R2 side is also not proved that the occurrence happened only due to the negligence on the part of the driving of the Two wheeler namely Soundarapandian. In fact no complaint has been preferred by R1 before the concerned police officials to establish that the negligence is not on the part of him. And having been considered upon the evidence of RW1 and there is no rebuttal evidence as to the manner of accident except the oral testimony of RW1. And RW1 also admits Ex.P1 and Ex.P10. And the Tribunal is duty bound to look into the entire evidence and come to an conclusion regarding the manner in which, the vehicle involved in the Accident. Under these circumstances this Court can easily find out that the Accident has occurred due to the rash and negligent driving of the Driver of R1, TYOTO EHIOS car, bearing registration number TN 84 F 0960 and not the negligence and not on the contributory negligence on the part of the deceased and to the said effect the point No.1 is answered accordingly.

7) **Point No.2**

(7-i) It is an admitted fact that R1 is the owner of the car bearing registration number TN 84 F 0960 TYOTO EHIOS it is proved from Ex.P3. And the policy which was issued by R2 and it is inforce at the time of Accident. The same thing has not been denied by the R1 and R2 herein. Therefore the R2 as the Insurer is liable to indemnity to R1 and R2 is liable to pay compensation on behalf of R1 for the death of Mahalingam S/o.Late Ponniah in the Accident and the petitioners are entitled to receive claim amount and to the said effect point No.2 is answered accordingly.

8) **Point No.3**

(8-i) PW1 has stated in the petition that her husband/deceased Mahalingam was aged about 50 years old at the time of Accident on a perusal of Ex.P4 and Ex.P5, it says the age of the Deceased at the time of Accident was 50 years old it is not denied by R1 and R2. Hence this Court is very much inclined to fix the age of the deceased at the time of Accident was 50 years admittedly the multiplier is 11.

(8-ii) It is stated in the petition that in para 6 and para 7, Before the accident, Mahalingam was in good health and was working as a whitewash head painter and matchbox office foreman agent and earning up to Rs. 30,000/- (Rupees thirty thousand) per month. used to give all the money to his family. Mahalingam was about 50 years old at the time of the accident. Considering the increase in income he would get in the future from the work he was doing, his monthly income should be taken into account as Future Prospects at least 15%. If he had not died after this accident, he would have been alive and working for more than 20 years and would have earned sufficient income to take good care of and maintain these petitioners. The deceased Mahalingam was very loving and affectionate towards his family. The petitioners were also very loving and affectionate towards the deceased Mahalingam.

Since Mahalingam has passed away, all the petitioners are living a very difficult life with no income and heartache. Petitioner 1 lost her husband at a young age and became a widow and lost her home life. Petitioners 2 to 4 have lost their fathers and have lost their income, love and affection to move forward in life, and have suffered great mental anguish and mental distress. Petitioner 5 has lost her son and is living a difficult life with no income. Since all the petitioners have been living solely on Mahalingam's income, the future of the petitioners has become questionable. The mental distress caused to the petitioners, the loss of future income, love, affection, and loss of Rs.20,00,000/-

(8-iii) And from the evidence of PW1, PW2 and from Ex.P6 to Ex.P8, it is proved that the petitioners are the legal heirs of the deceased. And during the course of evidence in chief PW1 did not state that P2 to P4 have got married or not. And no question was put forth in this regard, to PW1 by R2 side. Hence it is proved that the petitioners are depending the income of the deceased and they are entitled to receive compensation.

(8-iv) In order to prove monthly income as Rs.30,000/- on the side of petitioners, it is not proved with necessary documents and with adequate evidences. And taking into consideration of the raising money value and wages squarely the notional monthly Income of the deceased is fixed at Rs.18,000/- per month (occurrence in the year 2020) and this Court does feel, it is so reasonable and not by excessive.

(8-v) 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-vi) The monthly income of the deceased was fixed at Rs.18,000/- per month and the age of the deceased was fixed at 50 years and the multiplier is taken as 11 since the petitioners were 5 and it is possible by deducting 1/5 share being his personal expenses. Hence $\text{Rs.18,000} \times \frac{1}{5} = \text{Rs.3,600/-}$ was arrived as his monthly Income and Added 25% of future prospects of Rs.14,400/- ($\text{Rs.14,400} \times 20\% = \text{Rs.3,600/-}$) Totally Comes as $\text{Rs.14,400} + \text{Rs.3,600} = \text{Rs.18,000/-}$ per month. Hence, the loss of income of the deceased is arrived as $\text{Rs.18,000} \times 12 \times 11 =$ a total sum of Rs.23,76,000/-

(8-i) 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 1st 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-ii) In fine a sum of Rs.23,76,000/- is awarded towards Loss of Dependency. And for the Compensation Under convention a Heads, and Awards of incomppliance 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/Daughters/Son/Mother) 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.26,86,000/- 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.23,76,000/-
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/-

Total	<u>Rs.26,86,000/-</u>

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.26,86,000/-** to the Petitioners together with interest at the rate of 7.5% per annum from the date of petition on **21.10.2021** till the date of deposit along with proportionate cost.

3. that the 2nd Respondent as the owner is liable to indemnify the 1st Respondent and the 2nd Respondent shall deposit in this **MCOP No.210/2021** 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 1st Petitioner is the Wife of the deceased and she is entitled to receive **Rs.20,00,000/-**-together with subsequent interest and proportionate cost and the and 2 to 5th Petitioners are entitled to receive **Rs.1,71,500/-** each they are entitled to receive **Rs.6,86,000/-**-together with subsequent interest and proportionate cost.
5. that the petitioners are directed to deposit the balance court fee of **Rs.26,233/-** within 15 days from the date of award on **18.06.2026**. 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 2nd 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.33,860/-**
8. that the 2nd respondent is directed to pay a sum of **Rs.60,163/-** as being the cost to the petitioners as tabulated herein.

Other Necessary Particulars:

Date of Petition	:	21.10.2021
Date of Award	:	18.06.2026
Amount of Compensation claimed is	:	Rs.20,00,000/-
Amount of Compensation is awarded by this Tribunal is	:	Rs.26,86,000/-
Court Fee payable for the said amount is	:	Rs.26,233/-
Court Fee already paid	:	NIL
Balance court fee to be paid	:	Rs.26,233/-

Cost calculated on the side of Petitioners

Particulars	Petitioners side	Respondents side
Court fees	26,233.00	
Court Fee on Vakalath	10.00	
Process fee	60.00	---
Advocate fee	33,860.00	
Total	Rs.60,163.00	

(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 18th **day of June 2026.**

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

Petitioners side witnesses:

PW1 - Tmt.Murugeswari (1st Petitioner)

PW2 - Thiru.Kottaimani

Petitioners side exhibits:

Ex.P1 - Certified copy of the First Information Report

Ex.P2 - Certified copy of the Observation Mahazar

Ex.P3 - Certified copy of the Motor Vehicle Inspector's report bearing registration number TN 84 F 0960

Ex.P4 - Certified copy of the Post Mortem Report

Ex.P5 - Certified copy of the death certificate of the 1st petitioner's husband, Mahalingam

Ex.P6 - Certified copy of the legal heir certificate

Ex.P7 - Aadhaar card of the 1 to 5 petitioners, compared with the original

Ex.P8 - Pan card of the 1 to 5 petitioners, compared with the original

Ex.P9 - First Page in the Bank Pass Book of the 1 to 5 petitioners, compared with the original

Ex.P10 - Certified copy of Final Report

2nd Respondent side Witness

RW1 – Thiru.Parthasarathy (Driver of R1's vehicle)

2nd Respondent side Exhibit : NIL

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

MOTOR ACCIDENT CLAIM TRIBUNAL/
(ADDITIONAL DISTRICT COURT)
SRIVILLIPUTHUR.
MCOP.No.210/2021, Order Dated: 18.06.2026

MCOP.No.210/2021, Order Dated: 18.06.2026

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.26,86,000.00** to the Petitioners together with interest at the rate of 7.5 percentage per annum from the date of petition on **21.10.2021** till the date of deposit along with proportionate cost.
- 3) that the 2nd Respondent as the owner is liable to indemnify the 1st Respondent and the 2nd Respondent shall deposit in this **MCOP No.210/2021** 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 1st Petitioner is the Wife of the deceased and she is entitled to receive **Rs.20,00,000.00** together with subsequent interest and proportionate cost and the and 2 to 5th Petitioners are entitled to receive **Rs.1,71,500.00** each they are entitled to receive **Rs.6,86,000.00** together with subsequent interest and proportionate cost.
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- 6) that the Petitioners are permitted to withdraw 50 percentage from their share amount along with interest and proportionate cost immediately after deposited by 2nd Respondent subject to deposit of their share of balance court fees and Balance 50 percentage 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.33,860.00**
- 8) that the 2nd respondent is directed to pay a sum of **Rs.60,163.00** as being the cost to the petitioners as tabulated herein.

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