

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

**Present: Tmt. G. Santhi,**  
Motor Accident Claims Tribunal Judge/  
I Additional District and Sessions Judge, Vellore.

**On Thursday, the 6<sup>th</sup> day of November 2025**

**MCOP No.266/2022, MCOP No.267/2022,**  
**and MCOP No.268/2022**

**MCOP No.266/2022**  
**CNR.No.TNVL01-001816-2022**

1. Tmt. G. Chitra
2. Minor G. Sanjay  
Minor petitioner rep. by Guardian and his mother  
Next friend Tmt. G. Chitra
3. Tmt. A. Kalaiselvi
4. K.J. Anandan (died)  
(Amended as per Order in IA.No.4/2025, dt.17.07.2025)  
.. Petitioners in MCOP No.266/2022.

**MCOP No.267/2022**  
**CNR.No.TNVL01-001839-2022**

Thiru. J. Palani Rao  
.. Petitioner in MCOP No.267/2022.

**MCOP No.268/2022**  
**CNR.No.TNVL01-001819-2022**

Thiru. A. Sankar  
.. Petitioner in MCOP No.268/2022.

**//Vs//**

1. Thiru. Fakruddin
2. Sri Ram General Insurance Co., Ltd.,
3. Mr. S. Dhanaraj
4. HDFC ERGO General Insurance Co., Ltd.,  
.. Respondents in all the petitions.

All the petitions are coming before me for final hearing on 16.10.2025 in the presence of Thiru. S.Suresh Kannan, Counsel for the petitioners in all the petitions and of Thiru.J. Chitti Babu, Counsel for the 2<sup>nd</sup> respondent in all the petitions and of Thiru. P. Thulasimani Selvam, Counsel for the 4<sup>th</sup> respondent and the respondents 1 and 3 were called absent set exparte and upon hearing the arguments of both sides and upon perusing the entire case records and having stood over for consideration till this day, this court delivered the following;

### **COMMON ORDER**

All the petitions have been filed by the petitioners in MCOP No.266/2022, MCOP No.267/2022 and MCOP.No.268/2022 under section 166 of Motor Vehicles Act claiming compensation of Rs.1,00,00,000/-, Rs.20,00,000/- and Rs.20,00,000/- respectively from the respondents, for the deceased Ganesan and injuries sustained by the petitioners in the motor accident which took place on 06.03.2022.

### **2. Brief common averments of all the petitions in MCOP.Nos.266, 267 and 268 of 2022 are as follows:-**

On 06.03.2022 at about 3.15 A.M., the deceased A. Ganesh was driving a car bearing Registration No. TN-05-AX-9263 from Vellore towards Mandrayalam, along with his friends. When the vehicle reached near Anjaneya Swamy Temple, on NH-48, Sira Taluk, Tumakuru District,

Karnataka, the rear tyre of the car got punctured. The car was parked on the extreme left side of the road, and the deceased, along with his brother and friends Shankar, Mani, Palani Rao, and Soundeeswaran, was attending to the repair.

At that time, a lorry bearing Registration No. KA-17-C-9156, driven in a rash and negligent manner, at high speed, without blowing horn or using proper lights, dashed against the parked car. Due to the severe impact, the deceased A. Ganesh sustained fatal injuries and died on the spot. The petitioner Palani Rao in MCOP.No.267/2022 sustained the following injuries in the accident: i) Fracture of the lower one-third shaft of the right femur. ii) Fracture of the shaft of the right fibula. iii) Comminuted fracture of the shaft of the right fibula. iv) Compound fracture of the distal right femur, with plate and screws in situ. v) Multiple injuries all over the body. Immediately after the accident, the injured was taken to Sira General Hospital for first aid, and thereafter shifted to Ramaiah Memorial Hospital, Bangalore, for further treatment, where he was given necessary medical care.

The petitioner Sankar in MCOP.No.268/2022 sustained the following injuries in the accident: (i) Fracture Right Distal Radius (ii) Fracture right Lisfrancs Foot (iii) And injuries all over the body (iv) Compound fracture on his right hand and leg and injuries all over the body. He was immediately

admitted at for first aid Sira General Hospital and further treatment brought to Dhanya Medical center Velapadi, Vellore. He is still taking medical treatment

Following the accident, Mr. P. Mani, a friend of the deceased, lodged a complaint with the Inspector of Police, Sira Police Station, Karnataka, and a case was registered in Crime No. 40/2022 under Sections 279, 337, and 304(A) IPC. The driver of the lorry KA-17-C-9156 is facing criminal trial in connection with the said offence.

The lorry driver caused the accident during the course of his employment under the 1st respondent, the owner of the lorry, which was insured with the 2nd respondent. The 3rd respondent is the owner of the car TN-05-AX-9263, and the 4th respondent is its insurer. Hence, all the respondents are jointly and severally liable to pay compensation to the petitioners.

3. The respondents R1 and R3 are called absent and set exparte.

**4. Brief common averments of Counter filed by the 2<sup>nd</sup> respondent are as follows:-**

All the petitions are not maintainable either in law or on facts. All the petitions averments are denied, except those that are admitted by the 2<sup>nd</sup> respondent herein. The manner of accident as stated in the petitions are not correct. Age, occupation and income of the petitioners are not correct. The

respondent's Insurance company denies the involvement of the insured vehicle KA-17-C-9156 in the accident on 06.03.2022, claiming it was caused solely by the car in which the deceased travelled. The FIR was registered against an unknown vehicle. The respondent invokes protection under Sections 147 and 149 of the M.V. Act and states that both the insured and police failed to comply with mandatory duties under Sections 134(c) and 158(6).

The respondent disputes the age, income, occupation of the deceased, the legal heirship of the petitioners, and all allegations of rash and negligent driving. It also contends that the interest claimed is excessive and contrary to law, and the compensation amount is inflated. The respondent seeks permission under Section 170 M.V. Act to take all defences available and reserves the right to file an additional counter when further particulars are known. Hence all the petitions have to be dismissed with costs.

**5. Brief common averments of Counter filed by the 4<sup>th</sup> respondent are as follows:-**

All the petitions are not maintainable either in law or on facts. All the petitions averments are denied, except those that are admitted by the 2<sup>nd</sup> respondent herein. The manner of accident as stated in the petitions are not correct. Age, occupation and income of the petitioners are not correct. The second respondent, **HDFC ERGO General Insurance Company Ltd.,**

contends that the that the petitioners must prove the involvement, ownership, and insurance validity of the third respondent's car (TN-05/AX-9263) and the driver's valid licence. The insurer admits that the accident occurred due to the rash and negligent driving of the first respondent's lorry (KA-17/C-9156), as confirmed by the FIR, and hence holds that it alone is responsible. The petitioners have no cause of action against the third and this respondent. The insurer further denies the deceased's age, income, occupation, and dependency claims, asserting that the deceased was non-earning and that the claim amount of Rs.20,00,000/- is exaggerated and baseless. It prays for dismissal of the petition with costs while reserving the right to file an additional counter if required. Hence all the petitions have to be dismissed with costs.

**6. The point for consideration in all the petitions are as follows:-**

- (1) Whether this accident has occurred due to the rash and negligent driving of the driver of the 1<sup>st</sup> respondent's Lorry bearing Regn.No.KA-17-C-9156 or the 3<sup>rd</sup> respondent's Car bearing Reg.No. TN-05-AX-9263?
- (2) Who is liable to pay the compensation?
- (3) Whether the Petitioners are entitled to compensation? and if so, what is the the quantum?

7. On the side of the petitioners, all the three petitioners have been examined as P.W.1 to P.W.3 and 42 documents have been marked as Ex.P.1 to P.42. On the side of the 2<sup>nd</sup> respondent, no witness was examined and no

documents were marked. A Joint Trial has been conducted and the common evidences were recorded in M.C.O.P. No.267 of 2022 to dispose the three cases. Memo recorded the joint trial ordered and also ordered to record the adjudication in MCOP.No.267/2022.

**8. Point No.1 in all the cases:**

(i) It is the case of the petitioners, that on 06.03.2022 at about 3.15 A.M., the deceased A. Ganesh was driving a car bearing Registration No. TN-05-AX-9263 from Vellore towards Mandrayalam, along with his friends. When the vehicle reached near Anjaneya Swamy Temple, on NH-48, Sira Taluk, Tumakuru District, Karnataka, the rear tyre of the car got punctured. The car was parked on the extreme left side of the road, and the deceased, along with his brother and friends Shankar, Mani, Palani Rao, and Soundeeswaran, was attending to the repair.

(ii) At that time, a lorry bearing Registration No. KA-17-C-9156, driven in a rash and negligent manner, at high speed, without blowing horn or using proper lights, dashed against the parked car. Due to the severe impact, the deceased A. Ganesh sustained fatal injuries and died on the spot and all the petitioners sustained grievous injuries all over the body.

(iii) To prove the case of the petitioners, the petitioners PW1 to PW3 have filed and marked documents Ex.P1 to Ex.P42. Ex.P1 and Ex.P2 are the

certified and translated copies of the FIR dated 06.03.2022, establishing the occurrence of the accident. Ex.P3 to Ex.P6 are the wound certificate and discharge summaries from Ramaiah Hospital and Navachethana Hospital, showing the treatment undergone by the injured petitioner, J. Palani Rao. Ex.P7 consists of original medical bills amounting to Rs.1,88,500.23. Ex.P8 to Ex.P10 relate to the lorry KA-17-C-9156, comprising its R.C. Book, Insurance Policy, and Driving Licence of the driver, while Ex.P11 and Ex.P12 are photographs and the M.V.I. report confirming no mechanical defect. Ex.P13 to Ex.P15 pertain to the car TN-05-AX-9263, including its R.C. Book, Insurance Policy, and Driving Licence, and Ex.P16 and Ex.P17 are accident photographs and the M.V.I. report of the car. Ex.P18 to Ex.P21 are certified copies of the court order sheet, vehicle test report, charge sheet, and its translated version, proving that the criminal case was registered and charge-sheeted against the lorry driver. Ex.P22 to Ex.P25 and Ex.P28 to Ex.P30 are identity and employment proofs, PAN, Aadhar, and bank documents of the injured petitioners. Ex.P26 and Ex.P27 are the discharge summary and medical bills of petitioner A. Sankar for Rs.52,626/-. Ex.P31 and Ex.P32 are the postmortem report and death certificate of deceased Ganesh, while Ex.P33 is the legal heir certificate dated 05.05.2025. Ex.P34 to Ex.P41 are the identity and bank documents of the petitioners, including the wife, minor son,

and mother of the deceased. Ex.P42 is the employment identity card of petitioner A. Sankar.

(iv) In MCOP.No.267/2022, the petitioner, PW1 Palani Rao, was examined and filed his proof affidavit narrating the date, time, place, and manner of the accident. He stated that on 06.03.2022, while he and others were attending to the repair work of their car bearing Registration No. TN05AX9263, which was parked on the side of the road near Tumkur, the lorry bearing Registration No. KA-17-C-9156 came in a rash and negligent manner without sounding the horn and hit the parked car. Due to the impact, he along with his friends sustained grievous injuries, and among them, Ganesh and Umashankar succumbed to the injuries. He further stated that with the help of the public, they were taken to Sira Hospital for first aid and thereafter referred to Ramaiah Hospital, Bengaluru, where he took treatment for many days. He deposed that he is still under treatment and unable to perform his work as before due to disability and pain. He claimed to have been earning Rs.50,000 per month prior to the accident and sought compensation jointly and severally from respondents R1 to R4, the owners and insurers of both vehicles involved. Through him, documents Ex.P1 to Ex.P42 were marked.

(v) During cross-examination, PW1 admitted that he had not filed income tax returns and received his salary in cash without documentary proof. He also admitted that his treatment concluded in 2024 when the plates were removed after bone reunion. He confirmed that the lorry KA-17-C-9156 came in a rash and negligent manner and hit the parked car, and he reiterated in another connected case, MCOP No.12/2022 before the Madurai Court, that the lorry driver was fully responsible for the accident.

(vi) PW2 Sankar, another injured witness and petitioner in MCOP.No.268/2022, corroborated the evidence of PW1 regarding the date, time, place, and manner of the accident. He deposed that the lorry driver was solely responsible for the accident which caused the death of their friends Ganesh and Umashankar. He stated that he incurred medical expenses of about Rs.1,50,000/- and used special footwear for three months due to a Lisfranc foot fracture. During cross-examination, he admitted that the car was parked on the extreme left side of the road and that the accident occurred due to the rash and negligent driving of the lorry KA-17-C-9156.

(vii) PW3 Chitra, the wife of the deceased Ganesh, deposed that she was informed of the accident by PW1 and PW2 and corroborated their evidence regarding the date, time, and manner of the occurrence. She admitted that her husband had not filed income tax returns.

(viii) On considering the evidence of PW1 to PW3 and the documentary records, it is clear that their testimonies are consistent and mutually corroborative regarding the cause of the accident. The FIR registered against the driver of the lorry also supports their version. No contra evidence was adduced on behalf of the respondents to disprove the claim of the petitioners. Hence, the Tribunal finds that there was no negligence on the part of the car driver and that the accident occurred solely due to the rash and negligent driving of the lorry bearing Registration No. KA-17-C-9156.

(ix) Hence, from the oral evidence of P.W.1 and the documentary evidence of Ex.P1, the FIR copy and since there is no contra evidence available to disprove the accident, this Tribunal comes to the conclusion that the accident has occurred due to the rash and negligent driving of the driver of the Lorry bearing Regn.No.KA-17-C-9156. Thus the Point No.(1) is answered accordingly.

**9. Point No.2 in all the cases :-**

(i) In Point No.(1), it has been found that the accident has occurred due to the rash and negligent driving of the driver of the Lorry bearing Regn.No.KA-17-C-9156.

(ii) The petitioners in the petition mentioned that the first respondent vehicle is insured with the second respondent under Policy No.418010/31/2200043441 valid from 12.07.2021 to 11.07.2022. The date of accident is 06.03.2022 and also filed the copy of the said Insurance Policy and the same has been marked as Ex.P.9. The 2<sup>nd</sup> respondent stated in his counter that the accident had not occurred due to the driver of the Lorry bearing Reg.No. KA-17-C-9156, claiming it was caused solely by the car in which the deceased travelled. The FIR was registered against an unknown vehicle. Hence the 2<sup>nd</sup> respondent is not liable to pay compensation to the petitioners in all these cases. On perusal of Ex.P12 M.V.I Report, it has been mentioned that the accident had not occurred due to any Mechanical defect and at the time of accident the driver of the van possess valid driving license. The 1<sup>st</sup> respondent remained exparte without contesting the case and though notice has been sent, no oral or documentary evidence produced to disprove the above said contention. Therefore, this Tribunal comes to the conclusion that the said vehicle had a valid insurance issued by the Second respondent at the time of the accident and the FIR has been registered as against the driver of the 1<sup>st</sup> respondent's vehicle only. Hence the 2<sup>nd</sup> respondent being the insurer of the Lorry bearing Regn.No. KA-17-C-9156 on the date of accident is liable to pay the compensation to the Petitioners. The Respondents R3 and R4 are

hereby exonerated from all liability to pay compensation to the petitioners, as no negligence or fault has been established against them. Accordingly the Point No.(2) is answered.

**10. Entitlement of Petitioners regarding MCOP.No.266/2022 :**

**(i) Point No.3 in MCOP No.266/2022:**

The 1<sup>st</sup> petitioner has been examined as PW3. In the postmortem certificate marked as Ex.P31 through P.W.3, it has been stated that the deceased would appear to have died due to "Shock and Hemorrhage". From the above document, the 1<sup>st</sup> petitioner has proved that the deceased Ganesh died due to the accident. In the petition, it has been stated that the 1<sup>st</sup> Petitioner is the wife of the deceased and the 2<sup>nd</sup> petitioner is the son, 3<sup>rd</sup> Petitioner is the mother and 4<sup>th</sup> petitioner is the father(died) of the deceased, they are the legal heirs to the deceased. In the Legal Heir certificate which is marked as Ex.P.33, the Petitioners are shown as the Legal heir of the deceased Ganesh. The 4<sup>th</sup> petitioner is died and therefore, this Tribunal comes to the conclusion that the petitioners 1, 2, 3 are entitled to the compensation.

**(ii) Age of the deceased :**

As per the judgment in *Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.* The age of the deceased is decided as 38 **years** as per Ex.P31 – Postmortem Certificate of the deceased.

**(iii) Monthly Income of the deceased:**

In the petition, it has been stated that at the time of the accident, the deceased was doing Real Estate and travels and was earning a sum of Rs.50,000/- per month. But to prove the income, no oral or documentary evidence produced before this Tribunal. Hence, in these circumstances, considering the age of the deceased and dependents of the family members, this Tribunal is inclined to fix a sum of **Rs.9,000/-** as the monthly notional income of the deceased.

**(iv) Future Prospects:**

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

In this case, the age of the deceased is 38 years and 40% future prospectus would be added, it will come to a sum of **Rs.9000 x 40% =**

Rs.3,600/-. Thus, the monthly income of the deceased would be **Rs.9000/- + Rs.3,600 = Rs.12,600/-**.

**(v) Number of Dependents:**

The petitioners 1 to 3 are the dependents of the deceased. Therefore, the number of the dependents is 3 **the deduction would be 1/3.**

**(vi) Deduction for personal expenses:**

(vi) As per judgment in *Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. (2009) 4 MLJ (SC) 997*, 1/3 has to be deducted as the personal and living expenses of the deceased. After such deduction the monthly income of the deceased fixed as Rs.12,600/- - Rs.4,200/- = Rs.8,400/-.

**(vii) Multiplier and total Loss of dependency:**

Considering the age of the deceased is 38 years and as per the dictum laid down in 2009(2) TN MAC 1(SC) **Smt.Sarla Varma & others Vs. Delhi Transport Corporation & others**, cited supra, the multiplier 15 is adopted for calculation of compensation. Therefore, the compensation calculated to  $\text{Rs.8,400} \times 12 \times 15 = \text{Rs.15,12,000/-}$  and therefore the petitioners are entitled for **Rs.15,12,000/-** as compensation towards Loss of income.

**(viii) Loss of Consortium:**

The 1<sup>st</sup> petitioner is the wife of the deceased. She had lost the consortium of the deceased due to the accident which is not measurable by

money. As per *the Judgment of Hon'ble Apex court passed in SLP (civil) 25590/2014 Dated 31.10.17 between National Ins. Co. Ltd., ..Vs.. Pranay Sethi and others*, the 1<sup>st</sup> petitioner is entitled to **Rs.40,000/-** under the head of loss of consortium.

**(ix) Loss of Love and Affection:**

Next, we have to determine the compensation for the loss of love and affection. Hence this Tribunal decides that the Petitioners 2 and 3 have lost their father and son and they are entitled for the loss of love and affection of the deceased. Hence this Tribunal decides that the petitioners 2 and 3 are entitled for **Rs.40,000/- each under the head of loss of love and affection.**

**(x) Loss of Estate:**

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

**(xi) Transportation:**

(x) Under the head "Transportation to hospital", upon considering the place of occurrence and the hospital where the postmortem was done and the place of residence of the petitioner, this Tribunal comes to the conclusion that the

petitioners are entitled to a sum of **Rs.5,000/-** towards the head "Transport to hospital".

**(xii) Funeral Expenses:**

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

**(xiii) CALCULATION:**

|                                       |   |                               |
|---------------------------------------|---|-------------------------------|
| 1. Total loss of dependency           | : | Rs. 15,12,000/-               |
| 2. Loss of Consortium                 | : | Rs. 40,000/-                  |
| 3. Loss of Love and Affection         | : | Rs. 80,000/-                  |
| 4. Loss of Estate                     | : | Rs. 15,000/-                  |
| 5. Transport charges                  | : | Rs. 5,000/-                   |
| 6. Funeral Expenses                   | : | <u>Rs. 15,000/-</u>           |
| <b>Total Compensation is fixed at</b> | : | <b><u>Rs. 16,67,000/-</u></b> |

11. From the above-said discussions, this tribunal comes to the conclusion that a **total** sum of **Rs.16,67,000/-** would be just and fair compensation to the petitioners. Out of the award amount, the 1<sup>st</sup> petitioner being the wife of the deceased, the 1<sup>st</sup> petitioner is entitled to Rs.6,67,000/- and the 2<sup>nd</sup> petitioner is entitled to get Rs.7,00,000/- and the 3<sup>rd</sup> petitioner is entitled to get Rs.3,00,000/- in the award amount. Therefore, Point No.3 is answered.

In the result, this petition is partly allowed and a sum of **Rs.16,67,000/- (Rupees Sixteen Lakhs Sixty Seven Thousand Only)** is awarded as just compensation. Out of the award amount, the 1<sup>st</sup> petitioner being the wife of the deceased, the 1<sup>st</sup> petitioner is entitled to Rs.6,67,000/- and the 2<sup>nd</sup> petitioner is entitled to get Rs.7,00,000/- and the 3<sup>rd</sup> petitioner is entitled to get Rs.3,00,000/- in the award amount. The claim against the Respondents R3 and R4 are dismissed, and they are exonerated from liability. The 2<sup>nd</sup> respondent is directed to pay and deposit the award amount into this Court within one month from the date of this order with interest at 7.5% per annum from the date of filing of this petition (06.06.2022) till the date of deposit, excluding the period of default if any. The second respondent is directed to deposit the said award amount with costs through **NEFT or RTGS** mode in the account of **FIRST ADDITIONAL DISTRICT COURT, MACT, Vellore in Account No. 42830452508 (IFSC Code SBIN0008688) of SBI, Sathuvachari Branch, Vellore, under intimation to this court and claimants**, within a period of one from this order, and intimate the said deposit details to this tribunal with a copy of the said Bank advise. The compensation amount has to be deposited in the above Nationalized bank till the minor 2<sup>nd</sup> petitioner attains majority and the Guardian/1st petitioner/mother is entitled to receive the interest once in six

months exclusively for the welfare of the minor 2<sup>nd</sup> Petitioner. The award amount allotted to the minor petitioner is ordered to be transferred to his bank account by RTGS/e-transfer subsequently. The award amount allotted to the petitioners are ordered to be transferred to their bank account by RTGS/e-transfer subsequently. The petitioners had paid Rs.375/- as court fee. The petitioners have been exempted from paying court fee at the time of filing and they are directed to deposit the deficit Court Fee of **Rs.15,667/-** (**Rs.16,043/- (-) Rs.375/- = Rs.15,667/-**) for the above claim amount into this Court within 15 days, from the date of this order, failing which, the petitioners are not entitled for interest for the default period. Advocate fee is fixed at **Rs.36,170/-** as per Rules. The Decree shall be drafted on payment of Balance Court fee of a sum of **Rs.15,667/-**.

## **12. Entitlement of petitioners in MCOP.267/2022**

### **(i) Point No.3 in MCOP No.267/2022:**

In this petition, the petitioner Palani Rao has been examined as P.W.1. In his evidence, he has clearly narrated the injuries sustained by him in the accident. The Discharge Summaries issued by Ramaiah Hospital, Bangalore have been marked as Ex.P4 and Ex.P5, and the Wound Certificate has been marked as Ex.P3.

On perusal of Ex.P3, it is evident that the petitioner sustained grievous injuries and was admitted in Ramaiah Hospital, Bangalore as an inpatient from 06.03.2022 to 19.03.2022 and again from 06.04.2022 to 19.04.2022.

However, the petitioner has not examined the Doctor who treated him, not produced any Disability Certificate issued by a Medical Board. In the absence of such medical evidence, this Tribunal, based on the nature of the fractures and the duration of treatment, considers it just and reasonable to assess 10% disability towards permanent physical inconvenience affecting his ability to perform work in the future.

**(ii) Age of the deceased :**

As per the judgment in *Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.* The age of the deceased is decided as 40 **years** as per Ex.P23 – Copy of Aadhar card of the petitioner.

**(iii) Income and Loss of Future Income of the petitioner :**

The petitioner stated in his petition that he was employed as a Sales Manager at Palaniappa Marketing, earning Rs.50,000/- per month at the time of the accident. To prove the same, P.W.1 produced his Employee Identity Card marked as Ex.P22; however, no salary certificate or other documentary proof of income has been filed. In the absence of such evidence, this Tribunal determines the notional income of the petitioner at Rs.8,000/- per month, considering his age, occupation, and the nature of the case. Based on the 10%

disability assessed towards permanent physical inconvenience affecting his earning capacity, the monthly loss of income is fixed at Rs.800/-. Applying the multiplier of 15, the loss of future earning capacity is calculated as Rs.800 x 12 x 15 = Rs.1,44,000/-. Hence, the petitioner is entitled to a sum of Rs.1,44,000/- (Rupees One Lakh Forty-Four Thousand only) towards Loss of Future Income.

**(ii) Compensation for Pain and Sufferings:**

The petitioner stated that for the above said injuries he took treatment as inpatient in Ramaiah Hospital, Bangalore for 17 days. Hence this Tribunal considers to award **Rs.50,000/-** as just compensation under the head of Pain and Sufferings.

**(iii) Transport Charges:**

The petitioner took treatment in Ramaiah Hospital, Bangalore, where as he was admitted as inpatient for 17 days. Hence this Tribunal considering the place of accident and distance to hospital considers to award **Rs.10,000/-** will be just compensation under the head of Transport Charges.

**(iv) Extra-nourishment:**

The petitioner states that she took treatment in Ramaiah Hospital, Bangalore, for 17 days as inpatient. Hence this Tribunal decides to award **Rs.5,000/-** towards Extra-nourishment.

**(v) Medical Expenses:**

The petitioner has established through medical bills, Ex.P7 that he sustained multiple grievous injuries in the accident and underwent treatment in Ramaiah Hospital, Bangalore. The medical bills submitted by the petitioner total Rs.1,88,500/-. Hence, this Tribunal accepts the petitioner's claim as genuine and reasonable and inclined to award **Rs.1,88,500/-** towards Medical Expenses.

**(vi) Attender Charges:**

The petitioner stated that she was inpatient for 17 days in Ramaiah Hospital, Bangalore, and hence he is entitled for attender charges and this Tribunal decides to award **Rs.4,250/-(17 days X 250)** towards, Attender Charges.

**(vii) Loss of Earning :**

The petitioner in his petition and chief proof affidavit stated that he was not able to continue his work due to the Permanent disability caused to him and he is not able to do any work. But to prove the loss of earning capacity, no documentary evidence filed. Due to the above said injuries, the petitioner could not have worked for at least for 2 months during his treatment period. Hence this Tribunal is inclined to compensate a sum of **Rs.16,000/-** towards loss of earning during the period of treatment and recuperation.

**(ix) CALCULATION:**

|                                       |          |            |                          |
|---------------------------------------|----------|------------|--------------------------|
| 1. Loss of future income              | :        | Rs.        | 1,44,000/-               |
| 1. Pain and Sufferings                | :        | Rs.        | 50,000/-                 |
| 2. Transportation                     | :        | Rs.        | 10,000/-                 |
| 3. Medical Expenses                   | :        | Rs.        | 1,88,500/-               |
| 4. Extra Nourishment                  | :        | Rs.        | 5,000/-                  |
| 5. Attender charges                   | :        | Rs.        | 4,250/-                  |
| 6. Loss of Earning                    | :        | Rs.        | 16,000/-                 |
| <hr/>                                 |          |            |                          |
| <b>Total Compensation is fixed at</b> | <b>:</b> | <b>Rs.</b> | <b><u>4,17,750/-</u></b> |

The petitioner is entitled for a total compensation of **Rs.4,17,750/-** as just compensation for the injuries sustained by him in the above accident. Accordingly this point is answered.

In the result, this petition is partly allowed with costs and the petitioner is entitled for **Rs.4,17,750/- (Rupees Four Lakhs Seventeen thousand Seven hundred and Fifty only)** as compensation. The claim against the Respondents R3 and R4 are dismissed, and they are exonerated from liability. The 2<sup>nd</sup> respondent is directed to pay and deposit the award amount into this Court within one month from the date of this order with interest at 7.5% per annum from the date of filing of this petition (06.06.2022) till the date of deposit, excluding the period of default if any. The second respondent is directed to deposit the said award amount with costs through **NEFT or RTGS**

mode in the account of **FIRST ADDITIONAL DISTRICT COURT, MACT, Vellore in Account No. 42830452508 (IFSC Code SBIN0008688) of SBI, Sathuvachari Branch, Vellore, under intimation to this court and claimants**, within a period of one from this order, and intimate the said deposit details to this tribunal with a copy of the said Bank advise. The award amount allotted to the petitioner is ordered to be transferred to his bank account by RTGS/e-transfer subsequently. The petitioner had paid Rs.375/- as court fee. The petitioner has been exempted from paying court fee at the time of filing and he is directed to deposit the deficit Court Fee of **Rs.3,175/- (Rs.3,550/- (-) Rs.375/- = Rs.3,175/-)** for the above claim amount into this Court within 15 days, from the date of this order, failing which, the petitioners are not entitled for interest for the default period. Advocate fee is fixed at **Rs.22,678/-** as per Rules. The Decree shall be drafted on payment of Balance Court fee of a sum of **Rs.3,175/-**.

### **13. Entitlement of petitioners in MCOP.267/2022**

#### **(i) Point No.3 in MCOP No.268/2022:**

In this petition and as P.W.2 Sankar in his evidence, the petitioner has stated as to the injuries sustained by him in detail. The Dhanya Hospital, Vellore issued Discharge summary has been marked as Ex.P.26. On perusal of Ex.P.26, the petitioner sustained fracture and he was admitted in the above

said Hospital, Vellore as inpatient from 22.03.2022 to 25.03.202. PW1 has not examined the Doctor who has given treatment to him and also not filed any disability certificate issued by medical board.

Hence the considered view of this Tribunal is that the Petitioner has not sustained any disability due to the above said injuries.

**(i) Income of the petitioner :**

The petitioner stated in his petition that he was working as a Territory Sales Officer and was earning a sum of Rs.50,000/- per month at the time of accident. To prove the same PW1 has filed Employee ID card, Ex.P42 and no salary certificate filed. Hence in these circumstances, notional income has to be determined. Considering the nature of the case, the age and occupation of injured, this Tribunal is inclined to fix a sum of **Rs.8,000/-** as the monthly income of the deceased.

**(ii) Compensation for Pain and Sufferings:**

The petitioner stated that for the above said injuries he took treatment as inpatient in Dhanya Hospital, Vellore for 4 days. Hence this Tribunal considers to award **Rs.20,000/-** as just compensation under the head of Pain and Sufferings.

**(iii) Transport Charges:**

The petitioner took treatment in Dhanya Hospital, Vellore, where as he was admitted as inpatient for 4 days. Hence this Tribunal considering the

place of accident and distance to hospital considers to award **Rs.5,000/-** will be just compensation under the head of Transport Charges.

**(iv) Extra-nourishment:**

The petitioner states that she took treatment in Dhanya Hospital, Vellore, for 4 days as inpatient. Hence this Tribunal decides to award **Rs.5,000/-** towards Extra-nourishment.

**(v) Medical Expenses:**

The petitioner has established through medical bills, Ex.P27 that he sustained injuries in the accident and underwent treatment in Dhanya Hospital, Vellore. The medical bills submitted by the petitioner total Rs.52,626/-. Hence, this Tribunal accepts the petitioner's claim as genuine and reasonable and inclined to award **Rs.52,626/-** towards Medical Expenses.

**(vi) Attender Charges:**

The petitioner stated that she was inpatient for 4 days in Dhanya Hospital, Vellore, and hence he is entitled for attender charges and this Tribunal decides to award **Rs.1000/-(4 days X 250)** towards, Attender Charges.

**(vii) Loss of Earning :**

The petitioner in his petition and chief proof affidavit stated that he was not able to continue his work due to the inconvenience caused to him and he

is not able to do any work. But to prove the loss of earning capacity, no documentary evidence filed. Due to the above said injuries, the petitioner could not have worked for at least for 2 months during his treatment period. Hence this Tribunal is inclined to compensate a sum of Rs.16,000/- towards loss of earning during the period of treatment and recuperation.

**(ix) CALCULATION:**

|                        |   |     |          |
|------------------------|---|-----|----------|
| 1. Pain and Sufferings | : | Rs. | 20,000/- |
| 2. Transportation      | : | Rs. | 5,000/-  |
| 3. Medical Expenses    | : | Rs. | 52,626/- |
| 4. Extra Nourishment   | : | Rs. | 5,000/-  |
| 5. Attender charges    | : | Rs. | 1,000/-  |
| 6. Loss of earning     | : | Rs. | 16,000/- |

**Total Compensation is fixed at : Rs. 99,626/-**

The petitioner is entitled for a total compensation of **Rs.99,626/-** as just compensation for the injuries sustained by him in the above accident. Accordingly, this point is answered.

In the result, this petition is partly allowed with costs and the petitioner is entitled for **Rs.99,626/- (Rupees Ninety Nine thousand Six hundred and Twenty Six only)** as compensation. The claim against the Respondents R3 and R4 are dismissed, and they are exonerated from liability. The 2<sup>nd</sup> respondent is directed to pay and deposit the award amount into this Court within one month from the date of this order with interest at 7.5% per annum

from the date of filing of this petition (06.06.2022) till the date of deposit, excluding the period of default if any. The second respondent is directed to deposit the said award amount with costs through **NEFT or RTGS** mode in the account of **FIRST ADDITIONAL DISTRICT COURT, MACT, Vellore in Account No. 42830452508 (IFSC Code SBIN0008688) of SBI, Sathuvachari Branch, Vellore, under intimation to this court and claimants**, within a period of one from this order, and intimate the said deposit details to this tribunal with a copy of the said Bank advise. The award amount allotted to the petitioner is ordered to be transferred to his bank account by RTGS/e-transfer subsequently. The petitioner had paid Rs.375/- as court fee. Advocate fee is fixed at **Rs.8,474/-** as per Rules.

This Common order has been dictated by me to the Steno typist, typed by her in the computer directly, corrected and pronounced by me in the open Court, on this the 6<sup>th</sup> day of November 2025.

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

**ANNEXURE :-**

**Petitioner's side Witness :**

P.W.1 : Palani Rao (MCOP.No.267/2022)

P.W.2 : Sankar (MCOP.No.268/2022)

P.W.3 : Chitra (MCOP.No.266/2022)

**Petitioner's side Exhibits:**

|        |                                |                                                                                             |
|--------|--------------------------------|---------------------------------------------------------------------------------------------|
| Ex.P1  | 06.03.2022                     | Certified Xerox copy of the F.I.R.                                                          |
| Ex.P2  | 06.03.2022                     | Attested Xerox Copy of the Translated F.I.R                                                 |
| Ex.P3  | 06.03.2022                     | Certified Xerox Copy of the Wound Certificate (J.Palani Rao)                                |
| Ex.P4  | 06.03.2022<br>to<br>19.03.2022 | Original Copy Of Discharge Summary (06.03.2022 to 19.03.2022) (RAMAIAH HOSPITAL, BANGALORE) |
| Ex.P5  | 06.04.2022<br>to<br>08.04.2022 | Original Copy Of Discharge Summary (06.04.2022 to 08.04.2022) (RAMAIAH HOSPITAL, BANGALORE) |
| Ex.P6  | 02.06.2024                     | Xerox Copy of Discharge Summary (NAVACHETHANA HOSPITAL, BANGALORE)                          |
| Ex.P7  | Various dates                  | Original Medical Bill For Rs.1,88,500.23                                                    |
| Ex.P8  | 11.05.2004                     | Certified Xerox Copy Of R.C.Book (Lorry KA-17-C-9156)                                       |
| Ex.P9  | 12.07.2021                     | Certified Xerox Copy Of Insurance Policy (Lorry KA-17-C-9156)                               |
| Ex.P10 | 01.07.1996                     | Certified Xerox Copy Of Driving Licence (Lorry KA-17-C-9156)                                |
| Ex.P11 | ---                            | Certified Xerox Copy of the Photo After The Accident (Lorry KA-17-C-9156)                   |
| Ex.P12 | 11.03.2022                     | Certified Xerox Copy of the MVI Report (Lorry KA-17-C-9156)                                 |
| Ex.P13 | 27.08.2014                     | Certified Xerox Copy of R.C.Book (CAR TN-05-AX-9263)                                        |
| Ex.P14 | 04.09.2021                     | Certified Xerox Copy of Insurance Policy (CAR TN-05-AX-9263)                                |
| Ex.P15 | 18.10.2000                     | Xerox Copy of Driving Licence (CAR TN-05-AX-9263)                                           |
| Ex.P16 | ---                            | Certified Xerox Copy of the Photo After the Accident (CAR TN-05-AX-9263)                    |

|        |            |                                                                                  |
|--------|------------|----------------------------------------------------------------------------------|
| Ex.P17 | 08.03.2022 | Certified Xerox Copy of the MVI Report (CAR TN-05-AX-9263)                       |
| Ex.P18 | 10.08.2022 | Certified Xerox Copy of the Order Sheet (Senior Civil Judge and J.M.F.C.Sira)    |
| Ex.P19 | 07.04.2022 | Certified Xerox Copy of the (Both Vehicle Test Report)                           |
| Ex.P20 | 16.07.2022 | Certified Xerox Copy of the Charge Sheet                                         |
| Ex.P21 | 16.07.2022 | Attested Copy of the Translated Charge Sheet                                     |
| Ex.P22 | ---        | Xerox Copy of the Petitioner's Employment ID Card                                |
| Ex.P23 | ---        | Xerox Copy of the Petitioner's Aadhar Card                                       |
| Ex.P24 | ---        | Xerox Copy of the Petitioner's Pan Card                                          |
| Ex.P25 | ---        | Xerox Copy of the Petitioner's Bank Pass Book                                    |
| Ex.P26 | 25.03.2022 | Original Discharge Summary Dhanya Hospital Vellore (A.Sankar)                    |
| Ex.P27 | ---        | Original Medical Bill for Rs.52,626/- (A.Sankar)                                 |
| Ex.P28 | ---        | Xerox Copy of the Aadhar Card (A.Sankar)                                         |
| Ex.P29 | --         | Xerox Copy of the Pan Card (A.Sankar)                                            |
| Ex.P30 | 15.10.2016 | Xerox Copy of the Bank Pass Book (A.Sankar)                                      |
| Ex.P31 | ---        | Certified Xerox Copy of the Postmortem (Deceased Ganesh)                         |
| Ex.P32 | 06.03.2022 | Original Death Certificate (Deceased Ganesh)                                     |
| Ex.P33 | 05.05.2025 | Original Legal Heir Certificate                                                  |
| Ex.P34 | ---        | Xerox Copy of the 1 <sup>st</sup> Petitioner Tmt.G.Chitra Aadhar Card            |
| Ex.P35 | ---        | Xerox Copy of the 1 <sup>st</sup> Petitioner Tmt.G.Chitra Pan Card               |
| Ex.P36 | ---        | Xerox Copy of the 1 <sup>st</sup> Petitioner Tmt.G.Chitra Bank Pass Book         |
| Ex.P37 | ---        | Xerox Copy of the 2 <sup>nd</sup> Petitioner Minor G.Sanjay Aadhar Card          |
| Ex.P38 | ---        | Original Copy of the 2 <sup>nd</sup> Petitioner Minor.G.Sanjay Birth Certificate |

|        |     |                                                                              |
|--------|-----|------------------------------------------------------------------------------|
| Ex.P39 | --- | Xerox Copy of the 3 <sup>rd</sup> Petitioner Tmt.A.Kalaiselvi Aadhar Card    |
| Ex.P40 | --- | Xerox Copy of the 3 <sup>rd</sup> Petitioner Tmt.A.Kalaiselvi Pan Card       |
| Ex.P41 | --- | Xerox Copy of the 3 <sup>rd</sup> Petitioner Tmt.A.Kalaiselvi Bank Pass Book |
| Ex.P42 | --- | Xerox Copy of the Employment Identity Card A.Sankar                          |

**Respondent side Witness and Exhibits : NIL**

MACTJ/I ADJ, Vellore.

**FAIR/DRAFT COMMON ORDER**  
**(Contested)**

MCOP.No.266/2022,267/2022,268/2022

D.O.D. 06.11.2025

I ADJ Court, Vellore.