

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, HOSUR
Present : Thiru. P.Asokan, B.A., M.L.,
Motor Vehicle Accident Claims Tribunal Judge (Additional District Judge)

Tuesday the 30th day of April, 2019.

M.C.O.P. Nos. 1/2017, 219/2017 & 220/2017

Mrs.Rehana ...Petitioner

Versus

1)Mrs.Kanmani.M
2) The Manager-Claims,
SBI General Insurance Company Ltd,
Mumbai.
3.Mr.Ismail
(Amended as per order in IA705/18 dated:4.10.2018)

...Respondents

MCOP No.219/2017

Mr.A.K.Sundar ...Petitioner

Versus

1)Mrs.Kanmani.M
2) The Manager-Claims,
SBI General Insurance Company Ltd,
Mumbai.

...Respondents

MCOP No.220/2017

Mr.T.Mahesh Babu ...Petitioner

Versus

1)Mrs.Kanmani.M
2) The Manager-Claims,
SBI General Insurance Company Ltd,
Mumbai.

...Respondents

This claim petitions were coming before me for final hearing on 25.4.2019 in the presence of Thiru.A.Manohar Reddy Counsel for the petitioner and Tmt.S.Bhuvaneswari, Counsel for the 2nd respondent and Thiru. N.Sriram, Counsel for

the 3rd respondent and 1st respondent called absent set exparte. Having heard the arguments of both sides and considers the documents and evidence till this day, this court delivered the following:-

ORDER

These petitions have been filed by the petitioners U/S. 166 of M.V.Act claimed a compensation to the tune of Rs.50,00,000/- from the respondents for the deceased Rahmathulla Khan in MCOP.No.1/2017 and Rs.50,00,000/- from the respondents for the Injured A.K.Sundar in MCOP.No.219/2017 and Rs.20,00,000/- from the respondents for the Injured T.Mahesh Babu in MCOP.No.220/2017 in a road accident on 27.02.2015.

1. PETITION AVERMENTS in MCOP No. 1,219,220 /2017 ARE AS FOLLOWS :-

On 27.02.2015 in the morning the deceased Rahmathulla Khan S/o. Late.Ismail along with his friend Late Syed Akthar on some personal work by motorcycle bearing Reg. No. KA-02-EJ-5277. The deceased was riding the motorcycle on the left side of the Road, slowly and cautiously by observing all the Traffic Rules and Regulations. When they were thus proceeding towards Hosur on the Bangalore- Hosur NH7 Road, near Dharga Signal, on 27.02.2015 at about 9.15A.M, they had stopped the motorcycle for signal. While waiting for the signal the driver of the Tata Multi Axle Heavy Goods vehicle Regn. No.KA-53-A9851 which belongs to the 1st respondent and insured with the 2nd respondent came driving the vehicle from Bangalore side towards, Hosur at high speed, in a rash, reckless manner, without minding the rules of the road endangering human lives and rammed from behind to the deceased's motorcycle, injured A.K.Sundar S/o Kuppusamy in(Petitioner in MCOP 219/2017), and standing on the extreme left side road T.Mahesh Babu S/o Thimmarayappa (petitioner in MCOP 220/2017) were proceeding from Attibele to Hosur and also the goods vehicle hit few pedestrians who were standing near the signal. consequently the deceased sustained fatal injuries to chest and the pillion rider sustained head injuries and bot of them died instantly on the

spot. That the respondent No.3 filed on IA705/18 under order 1 Rule 10 of CPC to implead him as respondent No.3 in the above said case and the same was allowed on 30.08.2018 and accordingly the claim petition has been amended. The Petitioner (MCOP 1/2017) that before the date of accident the petitioner was hale, healthy, and active person . He was a young man of just 25 years. He was working as an Operator in M/s Schneider Electric India Pvt. Limited, Attibele which is a leading electrical equipment manufacturing company . He was operating hi tech machines and manufacturing components. He had good opportunity of further promotion and growth in the company. He was getting monthly salary, apart from salary he was getting incentives, over time payment, yearly bonus, free canteen, P.F.benefit, LTA etc. Thus he was earning more than Rs.12,000/- per month and contributing the same for the welfare of the petitioner. The Traffic Investigation Wing, Police , Hosur, Krishnagiri District have registered a case against the driver of the goods vehicle in Crime No. 60/2015 U/s 279,338,304(A) IPC.

The Petitioner (MCOP 219/2017) was hale and healthy. He was employed as a Machine Operator in M/s Sharda India Limited in SIPCOT which is a leading company. He was involved in manufacturing of automobile components. It is a well established company and providing good opportunities for employees. He was earning more than Rs.21,000 per month and contributing the same for the welfare of the petitioners. Apart from salary he was getting incentives, yearly bonus, subsidized food, transport facility etc. The Petitioner (MCOP 220/2017) was hale and healthy. He was an Electrician by profession. He was working in and around Bagalur and Hosur areas. He used to do electric wiring work, attend electrical related problems, repairing house hold appliances etc. thus he was earning more than Rs.18,000/ per month and contributing the same for the welfare and maintenance of his family members. Hence, the petitioners claim compensation of Rs. 50,00,000/- in MCOP.1/2017, and Rs.50,00,000/- in MCOP 219/2017, and Rs.20,00,000/- in MCOP 220/2017 from the respondents.

2. Counter averments in MCOP No. 1,219,220 /2017 of 2nd respondent in brief:

This 2nd respondent denied the manner of accident. The petition is not

maintainable either in law or on facts and the same is liable to be dismissed. The driver of the 1st respondent vehicle was not holding any valid and effective driving license to drive the vehicle at the relevant time of the accident. Hence this 2nd respondent is not liable to indemnify the 1st respondent. The driver of the 1st respondent vehicle was driving the vehicle slowly and cautiously following all the rules of the road. The deceased rider of the bike who was proceeding on the National High ways suddenly crossed the road without noticing the vehicles proceeding on the National High ways. The entire negligence is only on the part of the deceased. In the absence of negligence on the part of the 1st respondent vehicle this 2nd respondent is not liable to pay compensation. The age, income, occupation of the deceased are hereby denied. For the above said reasons, this petition has to be dismissed with cost.

3. Counter averments of 3rd respondent in brief:

This 2nd respondent denied the manner of accident. The petition is not maintainable either in law or on facts and the same is liable to be dismissed. The petitioner's son Rahmahullah khan met with a road accident on the Bagalore-Hosur NH7 road, near Dharga signal while he was proceeding from Attibele to Hosur, near Dharga singal while he was proceeding from Attibele to Hosur along with his friend Syed Akthar in a motor cycle bearing Regn.No. KA.02.EK 5277 at about 9.15 a.m. a Tata Multi Axle Heavy Goods vehicle bearing Regn.No.KA.53.A.9851 came in a rash and negligent manner and dashed backside of the deceased's motor cycle and caused fatal injuries of both of them and both were died at the spot. The son of this respondent namely Rahamathullah khan was looking after his father i.e., the respondent no.3 herein for his livelihood till his death. As the father of deceased Rahamathullah khan, this respondent no.3 is entitled to avail claim benefits under M.V.Act This court was pleased to order the same and hence this respondent was added as respondent no.3 in this petition. The petitioner is levelled baseless allegations against this respondent that he is happily living with his 2nd wife Pyarima and her daughter Shafia. The names of persons namely 'Pyarima' and 'Shafia' are invented by the petitioner in

order to get unlawful gain and to oust this respondent from getting benefits. The 3rd respondent reserves his right to state further details and to file necessary documents before this court at an appropriate time. For the above said reasons, this petition has to be dismissed with cost.

4. POINT FOR CONSIDERATION ARE :

1) Whether the accident had happened due to the negligent act of the driver of Tata Multi Axle Heavy Goods vehicle bearing Regn. No.KA-53-A9851?

2) Whether the respondent is liable to pay compensation? If so, how much compensation, the petitioner in MCOP.1/2017 is entitled to?

3) Whether the respondent is liable to pay compensation? If so, how much compensation, the petitioner in MCOP.219/2017 is entitled to?

4) Whether the respondent is liable to pay compensation? If so, how much compensation, the petitioner in MCOP.220/2017 is entitled to?

5. On the side of the Petitioner PW1 to PW5 were examined. Exhibit P1 to P33 were marked. On the side of the respondents RW1 was examined and Ex.R1 and Ex.R2 documents were marked.

POINT NO.1

6. In order to prove the claim the petitioner, the petitioner was examined as PW1 and he has filed proof affidavit in court on 27.02.2015 in the morning the deceased Rahmathulla Khan S/o. Late.Ismail along with his friend Late Syed Akthar on some personal work by motorcycle bearing Reg. No. KA-02-EJ-5277. The deceased was riding the motorcycle on the left side of the Road, slowly and cautiously by observing all the Traffic Rules and Regulations. When they were thus proceeding towards Hosur on the Bangalore- Hosur NH7 Road, near Dharga Signal, on 27.02.2015 at about 9.15A.M, they had stopped the motorcycle for signal. While waiting for the signal the driver of the Tata Multi Axle Heavy Goods vehicle Regn. No.KA-53-A9851 which belongs to the 1st

respondent and insured with the 2nd respondent came driving the vehicle from Bangalore side towards, Hosur at high speed, in a rash, reckless manner, without minding the rules of the road endangering human lives and rammed from behind to the deceased's motorcycle, injured A.K.Sundar S/o Kuppusamy in(Petitioner in MCOP 219/2017), and standing on the extreme left side road T.Mahesh Babu S/o Thimmarayappa (petitioner in MCOP 220/2017) were proceeding from Attibele to Hosur and also the goods vehicle hit few pedestrians who were standing near the signal. consequently the deceased sustained fatal injuries to chest and the pillion rider sustained head injuries and both of them died instantly on the spot. That the respondent No.3 filed on IA705/18 under order 1 Rule 10 of CPC to implead him as respondent No.3 in the above said case and the same was allowed on 30.08.2018 and accordingly the claim petition has been amended. The Petitioner (MCOP 1/2017) that before the date of accident the petitioner was hale, healthy, and active person . He was a young man of just 25 years. He was working as an Operator in M/s Schneider Electric India Pvt. Limited, Attibele which is a leading electrical equipment manufacturing company . He was operating hi tech machines and manufacturing components. He had good opportunity of further promotion and growth in the company. He was getting monthly salary, apart from salary he was getting incentives, over time payment, yearly bonus, free canteen, P.F.benefit, LTA etc. Thus he was earning more than Rs.12,000/- per month and contributing the same for the welfare of the petitioner. The Traffic Investigation Wing, Police , Hosur, Krishnagiri District have registered a case against the driver of the goods vehicle in Crime No. 60/2015 U/s 279,338,304(A) IPC. The Petitioner (MCOP 219/2017) was hale and healthy. He was employed as a Machine Operator in M/s Sharda India Limited in Sipcot which is a leading company. He was involved in manufacturing of automobile components. It is a well established company and providing good opportunities for employees. He was earning more than Rs.21,000 per month and contributing the same for the welfare of the petitioners. Apart from salary he was getting incentives, yearly bonus, subsidized food, transport facility etc. The Petitioner (MCOP 220/2017) was hale and healthy. He was an Electrician by profession. He was working in and around Bagalur and Hosur areas. He

used to do electric wiring work, attend electrical related problems, repairing house hold appliances etc. thus he was earning more than Rs.18,000/ per month and contributing the same for the welfare and maintenance of his family members. Hence, the petitioners claim compensation of Rs. 50,00,000/- in MCOP.1/2017, and Rs.50,00,000/- in MCOP 219/2017, and Rs.20,00,000/- in MCOP 220/2017 from the respondents.

7. The counsel for the respondent contended that the alleged accident the driver of the 1st respondent vehicle was not holding any valid and effective driving license to drive the vehicle at the relevant time of the accident. Hence this 2nd respondent is not liable to indemnify the 1st respondent. The driver of the 1st respondent vehicle was driving the vehicle slowly and cautiously following all the rules of the road. The deceased rider of the bike who was proceeding on the National High ways suddenly crossed the road without noticing the vehicles proceeding on the National High ways. The entire negligence is only on the part of the deceased. In the absence of negligence on the part of the 1st respondent vehicle this 2nd respondent is not liable to pay compensation.

8. To substantiate the averments contained in the counter on the side of the respondents no witness was examined. Rw1 who is the father of the deceased, He deposed in the same line as Pw1 to Pw5 . The driving license of the driver of the offending Vehicle was marked as Ex.P6 which shows that the driver of the Offending had valid driving license at the time of accident. Ex.P7 is the driving license of the deceased. Therefore the 2nd respondent is liable to pay compensation to the petitioners and behalf of the 1st respondent.

9. On the side of the petitioners marked Ex.P1 FIR which clearly shows that the accident occurred due to the negligent act of the rider of the 1st respondent vehicle. To substantiate the above facts, PW1 to PW5 also examined. In view of Ex.P1, FIR, and the evidence of PW1 it is held that the accident had occurred due to the negligent act of the driver of the 1st respondent vehicle belonging to the 1st respondent.

10. On the other hand to prove the claim of the petitioner marked as Ex.P2 Registration certificate of the Goods vehicle bearing Regn. No. KA-53-A9851, Ex.P3 Insurance Policy of Goods vehicle bearing Regn. No. KA-53-A9851, which reveals that the vehicle was insured with the 2nd respondent and the period is cover from 21.01.2015 to 20.01.2016. The accident was happened on 27.02.2015. Therefore during the time of accident the policy was in force. Ex.P4 Permit copy of Goods vehicle bearing regn. No. KA-53-A9851, Ex.P5-M.V.Report, Ex.P10 Postmortem certificate, Ex.P11-Legal Heir certificate.

11. From the above said evidence, it is found that the petitioner has proved that the accident had occurred due to the negligent act of the driver of the 1st respondent vehicle insured with the 2nd respondent. Further contended that the Goods vehicle driver had valid driving license.. Ex.P5 MVI Report, Ex.P6 Driving License which clearly shows that the Goods Vehicle driver had valid driving license at the time of accident. Hence, the 2nd respondent is liable to pay the compensation to the petitioners on behalf of the 1st respondent. Hence, the 2nd respondent is liable to pay the compensation to the petitioners on behalf of the 1st respondent. This point is answered accordingly.

MCOP.1/2017

POINT NO. 2

12. The deceased Rahamuthulla Khan was hale and healthy and very active in nature. He was 25 years of age at the time of accident and he was having good physique and personality. He was working as a Operator and he was earnings more than Rs.12,000/- per month and contributing the said earnings for the maintenance and welfare of the family. To prove the above fact the petitioners have examined Pw4 Assistant Manager of HR Department of Chneider Electric Company and Ex.P28 a Appointment order issued Meher Company to the deceased, Ex.P 29 appointment was confirmed by the Chenider Electric Company by order Dated 28.10.2010, Annual Salary revision certificate marked as Ex.P 32, Salary Certificate Ex.P9 document as per Ex.P9

the monthly salary of the deceased $\text{Rs. } 19,583 + 3333 = \text{Rs. } 22,916 /-$ **is fixed.**

13. Considering the facts and circumstances of this case, and the present cost of living this court is of consider opinion that the monthlyl income of the deceased is fixed as $\text{Rs. } 22,916/-$. The loss of earnings to the family is to be taken as $\text{Rs. } 22,916/-$. There is one claimant. $1/2$ of the income is deducted towards the personal expenses of the deceased. since the deceased was a bachelor as such the loss of dependency is $(22,916/- \times 1/2 = 11,458/-)$ $\text{Rs. } 11,458/-$ is to be deducted towards the personal expenses of the deceased i.e., $\text{Rs. } 11,458/-$ The annual loss of dependency is $\text{Rs. } 11,458 \times 12 = 1,37,496/-$. As per the postmortem certificate the deceased , aged about 25 years at the time of accident. Following the Judgment of Supreme Court in Sarala varma's case, the Tribunal applied '18 ' multiplier. By applying "18" multiplier this tribunal has computed the loss of contribution to the family as $1,37,496 \times 18 = \text{Rs. } 24,74,928/-$ is the loss of dependency. With regard to the addition of income for Future Prospects income, as per the decision of

Hon'ble Supreme Court in

Special Leave Petition Civil No.25590/14

The National Insurance Co.Ltd., //vs// Pranay Setti on 31st October 2017.

In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years, An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50-60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.

14. In the present case the deceased age 25 years. Therefore the future prospects is fixed as 40%. Hence, the petitioners entitled for **Rs. 9,89,971/-** (**Rs24,74,928-x 40% = Rs.9,89,971/-**) as future prospects Hence, future prospects is not arise in this case. Under the loss of estate the petitioners are entitled for **Rs.20,000/-** ,

towards loss of love and affection of the petitioners each Rs. 10,000/- totally **Rs.20,000/-** is awarded as just and reasonable compensation as per the principles laid down by the **Hon'le Supreme Court Jiju Kuruvila //vs// Kunjuamma Mohan 2013 ACJ 2141 (SC)**. Towards funeral expenses **Rs.15,000/-** is awarded as just and reasonable compensation as per the principles laid down by the **Hon'le Supreme Court , Rajesh //vs// Rajbir Singh ACJ 1403 SC** towards Transportation **Rs.10,000/-** . The petitioners are entitled to get the above said award amount as just and reasonable compensation under the various heads as follows:-

1	Loss of dependency	Rs.24,74,928/-
2	Loss of love and affection	Rs20,000/-
3	Transportation	Rs.10,000/-
4	Funeral Expenses	Rs.15,000/-
5	Loss of estate	Rs.20,000/-
6	Future prospects	Rs.9,89,971
	Total	Rs.35,29,899

Hence the petitioner is entitled to the compensation of **Rs.35,29,899** from the 2nd respondent.

MCOP.219/2017

POINT NO.3:-

15. The petitioner in MCOP.219/2017 has stated that due to the accident is sustained injuries at first he took first aid at Government Hospital, Hosur and then he was referred to higher institution Sparsh Hospital, Bangalore for further treatment. Ex.P17 Wound certificate issued by Sparsh Hospital, Bangalore. Ex.P15 Discharge summary issued by Sparsh Hospital, Bangalore ,which reveals that the final diagnosis was, Crush injury right ankle and foot with Type III C compound Right Talar dislocation with right medial malleolar fracture with right 5th Metatarsal base fracture. Considering the injuries the District Medical Board, Krishnagiri, and issued Disability Certificate Ex.P34, in which it has been stated that the petitioner sustained 50% of disability.

16. The petitioner has stated in the proof affidavit that he earned Rs.21,000/- per month and contributed for the welfare of the family, But to prove the same the petitioner has filed **Salary certificate Ex.P18** in court. Therefore the income of the petitioner is fixed as Rs.15,000/- per month. Considering the facts and circumstances and the injuries sustained by the petitioner this court is of consider opinion that the disability of the petitioner is fixed as 50%. Hence, the petitioner is not able to do his daily work as before. The counsel for the petitioner contended that due to the above said injuries, the petitioner could not able to his daily work as before and his earning capacity considerably reduced. Hence it is a fit case to apply multiplier method. Therefore multiplier method is to be adopted in this case.

17. As per the Discharge summary the petitioner's aged about 54 years at the time of accident. Following the Judgment of Supreme Court in Sarala varma's case, the Tribunal applied '11' multiplier. Hence, for the permanent disability is Rs.15,000/- x 12 x 50/100 x 11 = **Rs.9,90,000/-**. Under the head of future prospects the petitioner is entitled to 50% of permanent disability i.e., Rs.9,90,000/- x 10% = **Rs.99,000/-**. Considering the facts and circumstances of the case the petitioner is entitled to **Rs. 50,000/-** under the head of pain and sufferings. The petitioner is entitled to **Rs. 25,000/-** under the head of discomfort, frustration and loss of social enjoyment, which is awarded as just and reasonable compensation. The petitioner has marked Ex.P21 medical bills for having treatment in the Hospital, which reveals that the petitioner incurred medical expenses of **Rs. 3,85,124/-** which is awarded as just and reasonable compensation. The petitioner is entitled to **Rs. 20,000/-** under the head of future medical expenses which is awarded as just and reasonable compensation. Under the head of extra nutrition the petitioner is entitled to **Rs.25,000/-** as just and reasonable compensation. Under the head of vehicle repair bills the petitioner is entitled to **Rs.23,587/-** as just and reasonable compensation. Under the head of Transport to hospital and from hospital the petitioner is entitled to **Rs.15,000/-** as just and reasonable compensation under the head of

Transport. For Attender expenses **Rs.30,000/-** as just and reasonable compensation.

18) The total compensation for the petitioner under various heads as discussed above is as follows:

1.	50% loss of earning power(15,000/-x 12 x 50/100 x 11 = Rs.9,90,000/-)	Rs.9,90,000/-.
2.	Medical Expenses	Rs.3,85,123/-
3.	Future medical expenses	Rs.20,000/-
4.	Transportation Charges	Rs.15,000/-
5.	Nutrition Charges	Rs.25,000/-
6.	Attender Charges	Rs.30,000/-
7.	Pain and Sufferings	Rs. 50,000/-
8.	Discomfort, frustration and loss of social enjoyment	Rs. 25,000/-
9.	Future prospects	Rs.99,000/-
10	Vehicle repair bills	Rs.23,587/-
	Total	Rs.16,62,711/-

Hence the petitioner is entitled to the compensation of **Rs.16,62,711/-** from the 2nd respondent.

MCOP.220/17

POINT NO. 4

19. The petitioner in MCOP.220/2017 has stated that due to the accident is sustained injuries at first he took first aid at Government Hospital,Hosur and then he was referred to higher institution Srinivasa Speciality Hospital, Hosur for further treatment. Ex.P23 Discharge summary issued by HOSMAT Hospital, Bangalore ,which reveals that the final diagnosis was complete ACL tear left knee with medial meniscus tear. Ex.P24 Wound certificate issued by HOSMAT Hospital, Bangalore Considering the injuries the District Medical Board, Krishnagiri examined the petitioner and issued Ex.P35 Disability Certificate , in which it has been stated that the petitioner sustained 20% of disability.

20. Considering the facts and circumstances and the injuries sustained by the petitioner this court is of consider opinion that the disability of the petitioner is fixed as 20%. As per the Ex.P23-Discharge summary the age of the petitioner is 34 years. He was an Electrician by profession. He was working in and around Bagalur and Hosur areas. He used to do electric wiring work attend electrical related problems repairing house hold appliances etc.. Thus he was earning more than Rs.18,000/- per month and contributing the same for the welfare and maintenance of her family members. To prove the above said the petitioner has not filed any proof.. Therefore, the income of the petitioner is fixed as Rs.-10,000/-. The counsel for the petitioner contended that due to the above said injuries, the petitioner could not able to his daily work as before and his earning capacity considerably reduced.

21. Considering the facts and circumstances of the case, as per the settled position of law the petitioner is entitled to Rs.2,000/- each percentage. Considering the present economy situation this court is of consider opinion that the petitioner is entitled to Rs.4,000/- each percentage of disability. The Medical Board has issued 20% of disability to the petitioner. So, the petitioner is entitled to $\text{Rs.}20 \times 4000 = \text{Rs.}80,000/-$ as just and reasonable compensation under the head of permanent disability. Under the head of future prospects the petitioner is entitled to 20% of permanent Disability i.e., $\text{Rs.}80,000/- \times 40\% = \text{Rs.}32,000/-$. The petitioner is entitled to **Rs. 15,000/-** under the head of pain and sufferings. The petitioner has marked Ex.P25 medical bills for having treatment in the HOSMAT Hospital, Bangalore which reveals that the petitioner incurred medical expenses of **Rs. 1,07,907.00/-**. So the petitioner is entitled for which is awarded as just and reasonable compensation. The petitioner is entitled **Rs.20,000/-** for future medical expenses. The petitioner is entitled to **Rs. 10,000/-** under the head of discomfort, frustration and loss of social enjoyment, which is awarded as just and reasonable compensation. The petitioner could not able to work for 3 months. Therefore the petitioner is entitled to $\text{Rs.}10,000/- \times 3 = \text{Rs.}30,000/-$ is awarded as just

and reasonable compensation under the head of partial loss of earnings. Under the head of extra nutrition the petitioner is entitled to **Rs.10,000/-** as just and reasonable compensation. Under the head of Transport the petitioner is entitled to **Rs.10,000/-** as just and reasonable compensation. For Attender expenses **Rs.10,000/-** as just and reasonable compensation.

22) The total compensation for the petitioner under various heads as discussed above is as follows:

1.	Permanent Disability	Rs.80,000/-
2.	Transportation Charges	Rs.10,000/-
3.	Nutrition Charges	Rs.10,000/-
4.	Attender Charges	Rs.10,000/-
5.	Pain and Sufferings	Rs.15,000
6.	Discomfort, frustration and loss of social enjoyment	Rs.10,000/-
7.	Partial loss of income	Rs.30,000/-
8.	Medical Bills	Rs.1,07,907/-
9.	Future Medical expenses	Rs.20,000/-
10.	Future prospects	Rs.32,000/-
	Total	Rs.3,24,907/-

Hence the petitioner is entitled to the compensation of **Rs. 3,24,907/-** from the 2nd respondent.

MCOP.1/2017

23) In the result, the petition is partly allowed with proportionate cost. **The 2nd Respondent is liable to pay compensation of Rs.35,29,899/- to the petitioner on behalf of 1st respondent. The petitioner is entitled to compensation of Rs.31,29,899/- and the 3rd respondent is entitled to Rs.4,00,000/- as compensation.** The award amount shall carry interest at the rate of 7.5% p.a., from the date of petition till date of realization excluding the default period if any. The 2nd respondent is directed to deposit the award amount in the State Bank of India Hosur branch in the account of the Additional District Judge, Hosur, A/c No. 36230251241

(IFSC : SBIN00040155) through NEFT or RTGS within two months. Advocate fee is fixed at Rs.41,299/- The petitioner is directed to pay the balance court fee for the award amount within a month , failing which he is not entitled to get the interest amount from the date of award till the payment of balance court fee.

MCOP.219/2017

24. In the result, the petition is partly allowed with proportionate cost. The 2nd Respondent is liable to pay compensation of Rs. **16,62,711/-** to the petitioners on behalf of 1st respondent. The award amount shall carry interest at the rate of 7.5% p.a., from the date of petition till date of realization excluding the default period if any. The 2nd respondent is directed to deposit the award amount in the State Bank of India Hosur branch in the account of the Additional District Judge, Hosur, A/c No. 36230251241 (IFSC : SBIN00040155) through NEFT or RTGS within two months. Advocate fee is fixed at Rs.26,627/-. The petitioner is directed to pay the balance court fee for the award amount within a month , failing which he is not entitled to get the interest amount from the date of award till the payment of balance court fee.

MCOP.220/2017

25. In the result, the petition is partly allowed with proportionate cost. The 2nd Respondent is liable to pay compensation of Rs. **3,24,907/--** to the petitioners on behalf of 1st respondent . The award amount shall carry interest at the rate of 7.5% p.a., from the date of petition till date of realization excluding the default period if any. The 2nd respondent is directed to deposit the award amount in the State Bank of India Hosur branch in the account of the Additional District Judge, Hosur, A/c No. 36230251241 (IFSC : SBIN00040155) through NEFT or RTGS within two months. Advocate fee is fixed at Rs.9,498/-. The petitioner is directed to pay the balance court fee for the award amount within a month , failing which he is not entitled to get the interest amount from the date of award till the payment of balance court fee.

Dictated to stenographer directly by me and typed by her, corrected and pronounced by me in Open Court this the 30th day of April, 2019.

Sd/-Thiru.P.Asokan

Motor Vehicle Accident Claims Tribunal Judge
Additional District Judge,(MCOP)
Hosur.

Petitioner side witnesses :-

PW1 - Reghana
PW2 - A.K.Sundar
PW3 - Mageshbabu
PW4 - Vikaskoila
PW5 - P.Kalanakumar

Ex.P1	FIR Registered by TIW Police, Hosur
Ex.P2	Registration certificate of Goods vehicle bearing Regn. No. KA-53-A -9851
Ex.P3	Insurance Policy of Goods vehicle bearing Regn. No. KA-53-A -9851
Ex.P4	Permit copy of Goods vehicle bearing Regn. No. KA-53-A -9851
Ex.P5	M.V.Report
Ex.P6	Driving License of Goods vehicle driver
Ex.P7	Driving License of the deceased
Ex.P8	S.S.L.C.Marks sheet of the deceased
Ex.P9	Salary certificate of the deceased
Ex.P10	Postmortem certificate
Ex.P11	Legal Heir certificate
Ex.P12	Aadhar card of the petitioner
Ex.P13	PAN card of the petitioner
Ex.P14	Bank pass book of the petitioner
Ex.P15	Discharge summary issued by Sparsh Hospital, Bangalore
Ex.P16	X-Ray report
Ex.P17	Wound certificate issued by Sparsh Hospital, Bangalore
Ex.P18	Salary certificate

Ex.P19	Bank pass book of the petitioner
Ex.P20	Vehicle repair bill
Ex.P21	Medical bill
Ex.P22	Job termination letter of petitioner
Ex.P23	Discharge summary issued by HOSMAT Hospital, Bangalore
Ex.P24	Wound certificate issued by HOSMAT Hospital, Bangalore
Ex.P25	Medical bills
Ex.P26	Bank pass book of the petitioner
Ex.P27	Aadhar card of the petitioner
Ex.P28	Appointment order
Ex.P29,	Appointment order
Ex.P30	Salary slips for the month of Dec.2014
Ex.P31	Salary slips for the month of January 2015
Ex.P32	Annual salary revision letter for the year 2014
Ex.P33	Nomination and Declaration forms and provident and funds and gratuity
Ex.P34	Disability certificate -A.K.Sundar
Ex.P35	Disability certificate -T.Mahesh Babu

Respondents side witnesses

RW1 -Ismail

Respondents side Exhibits:

Ex.R1 - Photostat copy of Bank pass book of respondent No.3

Ex.R2 – Photostat copy of Aadhaar card of respondent No.3

Sd/-Thiru.P.Asokan

Motor Vehicle Accident Claims Tribunal Judge
Additional District Judge,(MCOP)
Hosur.