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&

BEFORE MOTOR ACCIDENTS CLAIMS TRIBUNAL AND HON’ 4  
BLE DISTICT JUDGE OF COIMBATORE,

- MCOP No: en 2016  
1Th, $.Ramaraj  
2Tmt Uthira  
-Versus-

8, M/s Bajaj Allianz General  
Insurance Co. Ltd  
3, Tmt.Gandhimathi  
: Respondents

PETITION FILED UNDER SECTION 166 (1) (c) OF  
‘THE MOTOR VEHICLES ACT, 1988

1. PETITIONERS:

1. Th. SRamaraj, S/o P.Srinivasan (late), Hindu, aged 60 years residing  
at Door No: 3, Alamelu Nagar, Kamarajar Road, Uppilipalayam Post,  
Coimbatore - 641015.

2. Tmt Uthira, Wlo late R.Deepak Gaandh, Hindu, aged 25 years,  
residirig at ~do- address.

“The address for service ofthe petitioners is same as above and in  
care of their counsel Sri M.Murugeswaran, M.T.M. B.L. Advocate,  
Enrolment No: 1497/2000, No: 208, Lawyers’ Chamber, Combined  
Court Complex, Coimbatore-641018. Mobile No: 98422 99585.

I RESPONDENTS

owl, CFD) YE Schiaonenthem D, agnd 252

at Dour No.30Parsalthih. P35 0s emp

(Contd. P/2)

2  
“B Dr. K. Kalpana, W/o Muthusamy Krishnan, age not known, Block 2,  
3" Annai Therasa Apartments, Balaji Nagar ST, Paulpet Lawspet,

Allianz General Insurance Co, Ltd, Door No: 11 (Office No  
fes Park, 3" Floor, Govt. Arts College Road, Coimbatore-

(Policy No: OG-16-1503-1801-00012738, Validity of Policy: 17/01/2016  
to 16/01/2017)

Tmt Gandhimathi, D/o N Natarajan, aged 48 years, residing at Door  
No: 123/1, Naas Nagar, Karuvanna Rayar Koil (Near), Udumalpet Road,  
Dharapuram, Tiruppur Di

‘The address for service of respondents is same as above.

To,

‘The Motor Accidents Claims Tribunal,  
Coimbatore-18

TIL We, the petitioners 1 and 2 herein do hereby apply for the grant of  
compensation for the death of Deepak Gaandh, R S/o Ramaraj, in a  
motor vehicle accident that occurred on 01.05.2016 at 00.85 hours  
involving.a car BMW bearing Registration No: PY-01-CA-6567.

The details of accident, vehicle involved in the accident etc are  
furnished below:

1, Namesand father’s name of the

person dead “: RDeepak Gaandh  
S/o Ramaraj  
2. Full address of the person dead a Door No: 3, Alamelu Nagar  
Kamarajar Road  
Uppilipalayam Post

batore-641-015  
(Contd. P73)

3. Age of the person dead.

4. Occupation of the person  
dead.  
{Local Office)  
3N/A, Alamelu Nagar, Kamarajar  
Road, Uppilipalayam  
TIN No: 33231827736  
CSENo: 1173359  
5. Name and addres’ of the employer  
of the person dead.

6. Monthly income of the person  
dead.

7.Does the person in respect of whom  
‘Compensation is claimed pay.income  
tax? Ifso, state the amount of income  
tax? a

8. Place, date and time of the  
accident?

9. Name and address of the Police:  
Station int whose Jurisdiction the \*  
registered?

10Was the person in respect of whom  
compensation is claimed traveling :  
by the vehicle involved in the acci  
dent ? If 80, give names of places of  
\* starting of Journey and destination?

28 Years

Alpha Charcoal  
(Charcoal business)

Head Office: Coimbatore  
Branch Office: Manamadu-  
-rai, Sivagangai district

-Own profession-  
B.E.(Hons) Mech.Engg,

Rs.14,35, 000/- per annum  
(as per LT. Return)

‘Yes, IT Assessee. Copy of  
LT Retum for 2015  
Enclosed

On 01/05/2016 at 00-55 hrs  
near May Flower Gladiumn  
Apartment, Opposite to  
ioneer Mil] Road -  
Avinashi Road Junction

SIL of Police, TIW (East)  
PS Cr No: 290/2016 dated  
0/05/2016 w/s 279, 338 &  
304 (AyIPC

No, when the deceased was  
travelling as occupant

in BMW Car bearing Regn  
No. PY-01-CA-6567, while  
at that time the first respon-  
-dent caused the.accident  
due to rash and negligent  
driving

(Contd. P/4)

- . 4  
11, Nature of injuries sustained?

11. (a) Details of damages caused to the  
property on account of the :  
accident?

12. Name and address of the Medical:  
officer who attended the injured/  
dead. :

13. Period of treatment and expenciture  
iff any incurred thereon? :

Fatal-injuries-

1 Bruise over lateral aspect  
of right chest wall  
2.Multiple abrasions over  
both forearm

3.Bruise over medial aspect  
of left thigh

4.Linear abrasions below  
right knee

5.Deformity present in  
distal part of right leg  
6.Abrasion over medial  
aspect of right ankle  
7-Multiple body and head  
Injuries with fracture  
near right ankle

Clothes and wrist watch

Dr.Raghupathy, V

PSG Hospitals  
Peelamedu -  
Coimbatore-18

Died on the way to hospital

(Post mortem held at CMCH on 01 May 2016 at 03.50 pm)

13. (a). Disability for work, if any  
Caused?

14, Registration No. and type of vehi-  
cle involved in the accident?

15, Name and address of the Owner  
- of the vehicle involved in the  
accident ?,

Fatal case.

BMW Car bearing Regn No:  
PY 01 CA -6567

DrKKalpana  
W/o-Muthusamy Krishnan  
Block 2, 3 Annai Therasa  
Apartments, Balajinagar ST,  
Paulpet Lawspet  
Puducherry

(Conta. P/5).

+

16. Name and address of the insurer

of the vehicle involved in the

accident : M/s Bajaj Allianz General  
Insurance Co, Ltd.  
Door No.11 (Office No.6A)  
Peoples Park, 3" Floor \_  
Govt. Arts College Road  
Coimbatore-641018

(Policy.No:-OG-16-1503-1801-00012738; Validity of Policy: 17/01/2016

to 16/01/2017)  
‘ 16. (a) Name and address of the.  
: driver-in-charge of the vehicle - : S.Gowtham  
S/o Sachithanantham D  
Door No: 32,  
. Parasakthi Koil Street  
Kongunagar, Tiruppur  
PIN-641607  
: 17. Has any claim been lodged with  
. the owner/Insurer of the vehicle?  
- Ifso,with what result? 2 No  
' 18. Name and address of the appli- » : 1. Th S Ramaraj  
je cants 2. Tint Uthira  
No3, Alamelu Nagar  
Kamarajar Road,  
: Uppitipalayam Post  
Coimbatore-641015  
19, Relationship with the dead + IstPetitioner-Father  
te . 2 Petitioner: Wife  
4 spondent: Mother  
| added only as formal  
7 party  
20. Title to the property of the  
it deceased? ; + As Legal heirs  
21. Amount of compensation  
Claimed? + Rs.1,75,00,000/- .

(Contd. P/6)

21. (a) PARTICULARS OF LOSS AND EXPENSES.  
PART-1 a  
(a) Loss of earnings Rs\_1,72,20,000-00.  
\_(b) Partial loss of earnings “Nil-  
(©) Transport to hospital Rs. 20,000-00  
(@) Extra nourishment. Fs -Nil-  
(©) Damages to clothing/article Rs. . 5,000-00  
(6 Others  
i) Funeral expenses Rs. 20,000-00  
(ii)Loss of love and affection Rs. —\_3,00,000-00  
(iv)Consortium to spouse Rs. —\_5,00,000-00  
7 PARTU

(g) Compensation for pain and suffer

ings. : \_  
(b) Compensation of permanent or-»

‘Continuing disability \_  
(@ Compensation for loss of

Future earning Capacity/Future

Propects \_

Total Rs. 1,80,65,000-00

(Rupees One crore, eighty lakhs atid sixty five thousand only)  
(Restricted to Rs. 1,75,00,000/- only)

22. Where the application is not made  
Within Six months of the occurrénce  
of the accident, the cause thereo:

2. (a) (i) Whether the deceased has been  
involved in any other road accident  
earlier? If so, how as state the  
details/

(Gi), Whether the deceased has preferred  
acclaim for the damages in any cases  
earlier? Ifso,with what result?

Does not arise as per  
the amended M.V.  
Act

-No-

\* Gil) Whether the deceased has preferred a  
sa claim from the Owner of the vehicle and

if so, how?

“No-

(Contd. P/7)

~~ —

7  
22. (b) (i) Have you made any application  
for compensation from the Motér Accidents  
Claims Tribunal Authorities under So!

Scheme? Pp No-  
(i) Ifso, whether the amount has been ==

(a) Approved but not paid : Nik  
{b) Paid. . : Nil-

23. Any other information that may be necessary or helpful inthe  
disposal of claim (Here furnish a brief account of how the accident  
occurred and state how the applicants are entitled to claim compen-  
sation and how the respondents are liable to pay the compensation  
claimed).

“As detailed below- -  
decengod S:crastraro |”

(@. ThE Geeesgondent herein is driver of BMW Car bearing

Registfation No: PY-01-CA-6567 involved in the accident, While this

being s0, the 4 8\*.>respondent is its owner and#Arespondent is insurer

with whom’the vehicle has been indemnified for insurance coverage as

on the date of accident. The MRSA AIT Ae and died at the

accident spot itself.  
(b) That the first vesionss i Sir of dpseastd Deepak Gaandh, R.  
While this beiig soft patent is his wife. They are legal heirs and  
dependents upon the eamings of deceased for their livelihood. ‘The  
deceased was highly educated i.e. B/E (Hons) Mechanical Engineering.  
He wa doing business in Charcoal having head’office at Coimbatore and  
branch office is situated at Manamadurai, Sivagangai district. He was TT  
assessed also. Income Tax Return filed for the year 2015 reveals the net  
earings beig Rs 14,35,000/- of deceased. After the death of Deepak  
Gaandh, R, the petitioners could not continu the profession due to lack  
of proficiency in the business field.

(© The first petitioner who is father lost his son at the far end of his  
Jlife span. On the other hand the 2% petitioner who is widow lost“her  
husband at the’very young age of 25 years: Both the-petitioners do not  
deriveTany independent source of income. The deceased’s mother namely  
‘Tmt Gandhimathi already separated from her husband (1 petitioner) and  
therefore: she has been ‘arrayed asa formal party and added as:  
respondent. (Contd. P/8)

(@ Due to sudden and untimely dk of Deepak Gaandh, R who was  
bread winner, both the petitioners are put to severe mental shock,  
financial constrains and their family set up is totally shattered into pieces.  
the vacuum azises out of sudden death of Deepak Gaandh, R cannot be  
over emphasized and the loss cannot be made good by way of mere  
compensation to the petitioners of any extent but they deserve much

more. -

(©) On 01/05/2016 when the deceased Deepak Gaandh, R was travelling

as an occupant in BMW Car bearir No: PY-01-CA-6567 and  
ark in BMW one deceseel eoainorn

hin the car was driven by». ~ and at about 00.55 hrs when

cathe near May Flower Gladium Apartment, Opposite to Pioneer Mill

‘Road-Avinashi Road Junction from gast to western direction , due to rash

and negligent driving of BMW Car by'&"Kaysscce> eventually dashed  
‘against a moped bearing Regn No: TN 37S 4253 which came at the  
junction from Pioneer Mill Road from north to south and at the junction  
tumed towanis west. As a violent hit the BMW car towed the moped  
towards west up to a distance of 500 meter and then hit against a cement  
platform of PSG Public School forcibly and in the same speed tuned  
towards north and hit against center median retention wall and jumped  
cover it and rolled down the other end of road. In the cruel road accident  
the rider of moped was found dead with crush injuries over head and  
severatice of left leg below ankle.  
deceased 8-croserow

(® The \ sp/vtidw=> Who Was driver of BMW Car also found dead on  
the driver seat itself with severe blow to chest, head injury with  
bloddshed. The petitioner's bread winner namely Deepak Gaandh R who  
Was also traveling in the car was found trapped underneath the car and  
remained in the state of trauma due to grievous head injuries and fracture  
in right leg below ankle. Deepak Gaandh. R was immediately rushed to  
PSG Hospital but he died on the way to hospital. Post mortem held on 01  
May 2016 at 03.50 p.m.

(Contd. P/9)

i: a

(g) The death of Deepak Gaandh R. gave a severe blow to the  
petitioners herein and it axed them very cruelly, leaving them in a

desperate grief, mental shock, agony and financial constraints since the  
petitioners expected that their bread winner would look after them at  
these hard days very comfortably. But their imagination and expectations  
vanished and shattered in to pieces irretrievably.  
a

ty PERE SOE as aver of BMW Car bearing  
: registration number PY-01-CA-6567 is solely liable for tie said accident  
due t6 rast and negligent driving is no more ahd died at the accident spot.  
Therefore the-S.I. of Police, TTW East PS Coimbatore has registered a  
case against him for'the charges. under section 279,338 & 304 (A) of  
i IPC in Crime No: 290/2016 dated 01.05.2016. The critninal case shall be  
tried by the learned Judicial Magistrate No: VII of Coimbatore.

| [- () Though any quantum of compensation would, help out the  
petitioners to get back the deceased Deepak Gaandh, R. alive; but for'the  
sake of social justice and for livelihood of petitioners in the materialistic

world, the compensation. preferred. under the relevant heads jn sub  
+ paragraph 21 (a) supra for a total sum of Rs.1,80,65,,000/- but testricted

to Rs. 1,50,00;000/- only. The amount of compensation claimed by the

petitioners is just, fair and reasonable claim amount.

@) The pegetel 8 of BMW Car bearing régistration

number PY-01-CA-6567 involved i the accident. 1 and@ respondents

are its owner and insurer respectively. In view of death ofdecoaseds, crowtran  
we and 4 respondents tare jointly and severally liable to pay the  
compensation to the petitionets as claimed,

. (Contd.P/10)

-10-

IV. A court fee of Rs 1,74,372.50 is due and paid on the claim  
application in accordance with rule 24,(1) of the M.A.C.T. Rules as  
amended subsequently

(V) The petitioner, therefore most humbly pray that this Hon’ ble court  
‘may kindly be pleased to pass an award in the following terms:~

(a) for asum of Rs. 1,75,00,000/- towards compensation,

(©) directing the respondents to pay the said amount along  
with interest at 12 % per annum from the date of filing of claim  
application till the date of realization jointly and severally,

(©, forthe costs of this application, and

(qd) pass such other and further orders which are deemed fit and  
proper in the circumstance of the case and thus rerider justice,

ADVOCATE FOR  
PETITIONERS . PETITIONERS

VERIFICATION  
We, the petitioners herein do hereby declare that the facts what are  
furnished in the above paragraphs are true and correct to the best of our  
knowledge, information and that we further declare that we have \_nei-  
-ther claimed nor received any compensation under the Workmen's \_

(Contd. P/11)

“le

‘compensation Act, 1923 so far this accident is concerned and that I signed  
this verification at Coimbatore on this the day Nov 2016.

. PETITIONERS

LIST OF DOCUMENTS FILED BY THE PE’ DINERS  
1. 01.05.2016 - First information repért ~All documents are in

2 01:05.2016- Post mortem certificate, Xerox copies  
3.98.H.2016.- Death Certificate.

4,05.10.2016- Legal heir ship certificate

5.20 @\S- Copy of IT Retumn

The other documents will be produced at-the time of trial.

ADVOCATE FOR  
PETITIONERS

(Contd. P/12) =

“12e

Passport size Photograph of  
Petitioners

ADVOCATE FOR  
PETITIONERS

}  
i  
|

j BEFORE MOTOR ACCIDENTS  
CLAIMS TRIBUNAL AND HON  
HON’ BLE DISTICT JUDGE OF  
COIMBATORE

\w]

McoP No: \"" ‘2016  
| 1.Th, SRamaraj  
2.Tmt Uthira  
~ Petitioners  
-Versus-  
2.DrK Kalpana  
8. M/s Bajaj Allianz General  
Insurance Co. Ltd  
- 3. Tmt Gandhimathi  
~ Respondents

PETITION FILED UNDER  
SECTION 166 (1) (c) OF  
i MOTOR VEHICLES A€T,

1988  
- Encl : Vakalathnama - 1  
, - Batta Memo with petition  
Copy Set +1  
Proof affidavit -1  
. Documents -4  
Affidavit with petition copy  
Set -1  
Total -8

| : Presentedon: - 11-2016

- Sri. M. Murugeswaran,  
MTM.,B.L.

|  
| ADDRESS FOR SERVICE  
|  
|

Advocate,  
Enrolment No: 1497/2000,  
No: 208, Lawyers’ Chamber,  
y< Combined Court Complex,  
Coimbatore-641018  
. Mobile No: 98422 99585

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