HC-KAR

NC: 2026:KHC:61802
MFA No. 9651 of 2025
C/W MFA No. 6367 of 2022

CNR: KAHC010836392025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 9651 OF 2025(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 6367 OF 2022(MV-I)

IN MFA No. 9651/2025

BETWEEN:

SRI. CHINTHAN MONTHERO
S/O. CHARLES MONTHERO
AGED ABOUT 30 YEARS
R/AT: KANA HOUSE
KAIKARA POST, VOLAMOGRU VILLAGE
PUTTUR TALUK, D.K. DISTRICT-574 203.

...APPELLANT

(BY SMT. ARUNA BHAT, ADVOCATE)

AND:

1. SRI SHREECHAND M M
   MAJOR IN AGE
   R/AT No. 4-934, GANESH KRIPA HOUSE
   BEHIND PC, PETROL PUMP
   DARBE, PUTTUR TALUK
   D.K. DISTRICT-574 203.
   DRIVER OF THE CAR
   BEARING No. KA-21-P-2125.

2. LIBERTY VIDEOCON GENERAL

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

INSURANCE COMPANY LIMITED
REP. BY ITS AUTHORISED OFFICER
BRANCH OFFICE No. 203/207
2ND FLOOR, INLAND AVENUE
M.G. ROAD, MANGALORE,
D.K. DISTRICT-575 003.
POLICY No. 20000454574.

…RESPONDENTS

(BY SRI SUYOG HERELE E, ADVOCATE FOR R1
SRI B PRADEEP, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:30.03.2022 PASSED IN MVC No.1696/2017 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MEMBER, ADDITIONAL MACT, XI D.K. MANGALURU SITTING AT PUTTUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA No. 6367/2022

BETWEEN:

M/S LIBERTY GENERAL INSURANCE CO. LTD.,
(FORMERLY KNOWN AS LIBERTY
VIDEOCON GENERAL INSURANCE CO. LTD.,)
PRESENTLY HAVING ITS REGIONAL OFFICE
AT No.21/15 , "THE LANDMARK"
4TH FLOOR NEAR TRINITY
METRO STATION, M .G ROAD
BENGALURU - 560 001.
REPRESENTED BY ITS MANAGER LEGAL

...APPELLANT

(BY SRI RAVI SHANKAR S SAMPRATHI, ADVOCATE)

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AND:

1. SRI CHINTHAN MONTHERO
   S/O CHARLES MONTHERO
   AGED ABOUT 26 YEARS
   R/AT KANA HOUSE
   KAIKARA POST VOLAMOGRU VILLAGE
   PUTTUR TALUK, D K DISTRICT.

2. SRI SHREECHAND M M
   S/O M R MAHALINGA, MAJOR IN AGE
   R/AT No. 4-934, GANESHA KRIPA HOUSE
   BEHIND P C, PETROL PUMP DARBE
   PUTTUR TALUK, D. K DISTRICT.

...RESPONDENTS

(BY SMT. ARUNA BHAT, ADVOCATE FORR1
V/O DTD. 06.11.2026 NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:30.03.2022 PASSED IN MVC No.1696/2017 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MEMBER, ADDITIONAL MACT-XI, D.K, MANGALURU, SITTING AT PUTTUR, D.K, AWARDING COMPENSATION OF Rs.6,02,354/- WITH INTEREST AT 6 PERCENT P.A. (EXCLUDING INTEREST ON FUTURE MEDICAL EXPENSES) FROM THE DATE OF PETITION TILL ITS REALIZATION.

THESE APPEALS COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

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ORAL JUDGMENT

MFA No.9651/2025 is filed by claimant seeking enhancement of compensation and MFA No.6367/2022 is filed by the insurer challenging the award of future medical expenses awarded in judgment award dated 30.03.2022 passed in MVC No.1696/2017 by V Additional District and Sessions Judge and Member, Additional M.A.C.T –XI, D.K. Mangaluru sitting at Puttur.

2. Even though appeals are listed today for 'admission', they are taken up for disposal with the consent of learned counsels appearing for parties.

3. The claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 20.12.2016 due to the rash and negligent driving of the driver of the Car bearing registration No.KA-21/P-2125. The Tribunal after recording the evidence of the parties, appreciating the evidence

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assessed the compensation and awarded compensation under various heads as under:

1.	Pain and Sufferings	Rs.45,000-00
2.	Medical Expenses	Rs.37,778-00
3.	Loss of income during laid up period	Rs.48,000-00
4.	Special diet, nutrition and attendant's charges	Rs.30,000-00
5.	Travelling Expenses	Rs.10,000-00
6.	Loss of future Income	Rs.1,26,576-00
7.	Future Medical expenses	Rs.2,80,000-00
8.	Discomfort and loss of amenities of life	Rs.25,000-00
	Total	**Rs.6,02,354-00**

4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realization and directed the insurer to deposit the award amount with interest. The claimant filed appeal seeking enhancement of compensation and insurer has filed appeal challenging the award of future medical expenses.

5. Heard learned counsel for claimant and learned counsel for insurer.

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6. Learned counsel for claimant would contend that the disability taken by the Tribunal at 7.33% to the whole body is just and proper. The accident occurred in the year 2016 and the notional income fixed for the said year is Rs.9,500/- and that is to be taken. The claimant has sustained four injuries and therefore, compensation awarded towards pain and suffering and loss of amenities are required to be enhanced. The Tribunal has rightly awarded future medical expenses based on the evidence of the doctor.

7. Learned counsel for the insurer would contend that the award of the future medical expenses in a sum of Rs.2,80,000/- is not proper. The earlier hospitals have not stated anything with regard to the replacement of hip by surgery. The accident occurred in the year 2017, till date the claimant has not placed on record any treatment taken by him for hip replacement. With these, he prays allow the appeal filed by the insurer.

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8. Having heard learned counsels, the Court has perused impugned judgment, award and other materials placed on record.

9. The accident occurred on 22.12.2016 and as on the date of accident, the claimant was aged 21 years. Considering the said age, the Tribunal has rightly applied multiplier '18'. The notional income fixed for the year 2016 by Karnataka State Legal Service Authority is Rs.9,500/- per month and it is to be taken as against Rs.8,000/- as taken by the Tribunal.

10. The claimant has sustained the following injuries:

i) Abrasion over (R) WRIST 2CM X 2CM

ii) Tenderness over right elbow joint. Abrasion over left elbow joint measuring 1cm x 2cm

iii) Tenderness swelling over (R) hip joint region. Shortening of (R) lower limb, external rotation deformity of (L) lower limb.

iV) Abrasion over (R) ankle 2cm x 1cm.

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Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.45,000/- is enhanced to Rs.1,00,000/- and loss of amenities awarded in a sum of Rs.45,000/- is enhanced to Rs.80,000/-. The Tribunal based on the documents has rightly awarded medical expenses of Rs.37,70,000/-. The Tribunal has awarded loss of income during laid up period for 06 months by taking the income at Rs.8,000/- per month. As now income taken is Rs.9,500/-. The claimant is entitled to loss of income during the laid up period in a sum of Rs.57,000/- (Rs.9,000/- x 06 months). The Tribunal has awarded a sum of Rs.30,000/- towards special diet, nutrition and attendant charges and Rs.10,000/- towards traveling expenses. The claimant has been admitted in hospital for 06 days and doctor has advised him to take rest for 06 months. The claimant has taken treatment in different hospitals and considering his travel etc., the

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Tribunal has rightly awarded special diet, nutrition and attendant charges of Rs.30,000/- and traveling charges of Rs.10,000/-. The Tribunal has taken disability to the whole body at 7.33% based on the evidence of the doctor. The said disability is not disputed by the appellant -claimant. In view of the above, loss of future income due to disability is calculated as under:

Rs.9,500/- x 12x 18x 7.33% = Rs.1,50,412/-.

11. The Tribunal has awarded Rs.2,80,000/- towards future medical expenses on the ground that P.W.2 -doctor has stated that claimant requires hip replacement surgery and its approximate cost is Rs.2,80,000/- to 3,00,000/-. The claimant has not placed on record any estimate given by the hospital for the said surgery. Considering the said, the compensation awarded by the Tribunal towards future medical expenses in a sum of Rs.2,80,000/- is on the higher side. Therefore, the

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claimant is entitled to future medical expenses in a sum of Rs.2,00,000/-.

12. In view of the above, the claimant is entitled to total compensation under various heads as under:

1.	Pain and Sufferings	Rs.1,00,000/-
2.	Medical Expenses	Rs.37,778/-
3.	Loss of income during laid up period	Rs.57,000/-
4.	Special diet, nutrition and attendant's charges	Rs.30,000/-
5.	Travelling Expenses	Rs.10,000/-
6.	Loss of future Income	Rs.1,50,412/-
7.	Future Medical expenses	Rs.2,00,000/-
8.	Discomfort and loss of amenities of life	Rs.80,000/-
	Total	**Rs.6,65,190/-**

The claimant is entitled to total compensation of Rs.6,65,190/- as against Rs.6,02,354/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.62,836/- with interest at the rate of 6% per annum from the date of petition till realization. The claimant is not entitled to interest for the delay period of 1268 days in filing the

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appeal as per order dated 30.10.2026 passed on IA No.1/2025. Respondent No.2 –insurer is liable to pay the said enhanced compensation with interest. The amount deposited by the appellant -insurer in a sum of Rs.6,97,682/- is invested in fixed deposit in the name of Registrar. The maturity amount of the said fixed deposit and statutory deposit requires to be transmitted to the Tribunal.

13. In view of the above, the following

ORDER

i) Both appeals are ***allowed in part.***

ii) The claimant is entitled to enhanced compensation of Rs.62,836/- with interest at the rate of 6% per annum of the date of petition till realization.

iii) The claimant is not entitled to interest for the delay period of 1268 days in filing the appeal.

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iv) The insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

v) The maturity amount of the fixed deposit (Rs.6,97,682/-) and statutory deposit are ordered to be transmitted to the Tribunal.

vi) The claimant is not entitled to interest on future medical expenses.

vii) The entire enhanced compensation amount with interest shall be released to the claimant.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 46
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