

Through E-mail

RAJASTHAN HIGH COURT, JODHPUR

No. Gen/XIX/Misc/674/2026/1008

Date : 30/05/2026

From : Registrar General,
Rajasthan High Court,
Jodhpur.

To : **All the District & Sessions Judges,
Rajasthan.**

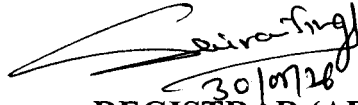
Sub : Sending a copy of Reportable Order Dt 08.08.2025 passed by
Hon'ble the Supreme Court of India, New Delhi in Civil
Appeal No. 10278 of 2025.

Sir,

With reference to above cited subject, I am directed to send herewith a copy of letter dt. 27.04.2026 along-with the copy of the Reportable Order Dt 08.08.2025 passed by Hon'ble the Supreme Court of India, New Delhi in **Civil Appeal No. 10278 of 2025** titled **Hitesh Nagjibhai Patel Vs Bababhai Nagjibhai Rabari & Anr.** with request to further circulate the same amongst all the Motor Accident Claims Tribunals to see that the directions are followed strictly in your respective Judgeship.

Yours Sincerely,

Encl.: As above.


30/05/26
REGISTRAR (ADMN.)

**SUPREME COURT OF INDIA
SECTION-III-B**

✓
By E-mail/Speed Post

D.No. 11945/2025/Section-III-B
Dated : 27th April, 2026

From:
The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

1. The Registrar General
High Court of Andhra Pradesh
Amaravati, Andhra Pradesh – 522239
PIId: 111171/2026 in C.A. No.10278/2025 (Sec III-B)
2. The Registrar General,
Allahabad High Court
Nyay Marg, Allahabad,
Uttar Pradesh-211017
PIId: 111172/2026 in C.A. No.10278/2025 (Sec III-B)
3. The Registrar General,
High Court of Bombay,
Fort, Mumbai Maharashtra– 400032
PIId: 111173/2026 in C.A. No.10278/2025 (Sec III-B)
4. The Registrar General,
High Court of Calcutta
C3, Esplanade Row W,
B.B.D. Bagh, Kolkata,
West Bengal 700001
PIId: 111174/2026 in C.A. No.10278/2025 (Sec III-B)
5. The Registrar General,
High Court of Chhattisgarh,
Bilaspur – 495 220, Chhattisgarh
PIId: 111175/2026 in C.A. No.10278/2025 (Sec III-B)
6. The Registrar General
High Court of Delhi,
Sher Shah Road
New Delhi – 110003
PIId: 111176/2026 in C.A. No.10278/2025 (Sec III-B)
7. The Registrar General,
Gauhati High Court,
Guwahati – 781001, Assam
PIId: 111177/2026 in C.A. No.10278/2025 (Sec III-B)



8. The Registrar General
High Court of Gujarat at Sola
Ahmedabad – 380 060, Gujarat
PIId: 111178/2026 in C.A. No.10278/2025 (Sec III-B)
9. The Registrar General
High Court of Himachal Pradesh,
Shimla – 171 001,
Himachal Pradesh
PIId: 111179/2026 in C.A. No.10278/2025 (Sec III-B)
10. The Registrar General,
High Court of Jammu & Kashmir,
Jammu – 180 001,
Jammu & Kashmir
PIId: 111180/2026 in C.A. No.10278/2025 (Sec III-B)
11. The Registrar General,
High Court of Jharkhand,
Ranchi – 834 033,
Jharkhand
PIId: 111181/2026 in C.A. No.10278/2025 (Sec III-B)
12. The Registrar General,
High Court of Karnataka,
Bengaluru – 560 001,
Karnataka
PIId: 111182/2026 in C.A. No.10278/2025 (Sec III-B)
13. The Registrar General,
High Court of Kerala,
Ernakulam (kochi) – 682 031,
Kerala
PIId: 111183/2026 in C.A. No.10278/2025 (Sec III-B)
14. The Registrar General,
High Court of Madhya Pradesh,
Jabalpur – 482 001, Madhya Pradesh
PIId: 111184/2026 in C.A. No.10278/2025 (Sec III-B)
15. The Registrar General,
Madras High Court,
Chennai – 600 104 Tamil Nadu
PIId: 111185/2026 in C.A. No.10278/2025 (Sec III-B)
16. The Registrar General,
High Court of Manipur,
Mantripukhri, Imphal-795001, Manipur
PIId: 111186/2026 in C.A. No.10278/2025 (Sec III-B)

17. The Registrar General,
High Court of Meghalaya,
Shillong – 793 001,
Meghalaya
PIId: 111187/2026 in C.A. No.10278/2025 (Sec III-B)
18. The Registrar General,
Orissa High Court,
Cuttack – 753 002,
Odisha
PIId: 111188/2026 in C.A. No.10278/2025 (Sec III-B)
19. The Registrar General,
High Court of Judicature at Patna,
Patna – 800 001, Bihar
PIId: 111189/2026 in C.A. No.10278/2025 (Sec III-B)
20. The Registrar General,
High Court of Punjab and Haryana,
Chandigarh – 160001
PIId: 111190/2026 in C.A. No.10278/2025 (Sec III-B)
21. The Registrar General,
Rajasthan High Court,
Jodhpur-342034, Rajasthan
PIId: 111191/2026 in C.A. No.10278/2025 (Sec III-B)
22. The Registrar General,
High Court of Sikkim,
Gangtok – 737101, Sikkim
PIId: 111192/2026 in C.A. No.10278/2025 (Sec III-B)
23. The Registrar General,
High Court of Judicature at Hyderabad
for the State of Telangana
Hyderabad-500 066, Telangana
PIId: 111193/2026 in C.A. No.10278/2025 (Sec III-B)
24. The Registrar General,
High Court of Tripura,
Agartala-799010,
Tripura
PIId: 111194/2026 in C.A. No.10278/2025 (Sec III-B)
25. The Registrar General,
High Court of Uttarakhand,
Nainital – 263 002,
Uttarakhand
PIId: 111195/2026 in C.A. No.10278/2025 (Sec III-B)

Respected Sir/Madam,

I am directed that Civil Appeal No. 10278 of 2025 titled as "Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari And ANR" was listed before the Hon'ble Court on 08.08.2025, when the Hon'ble Court was pleased to pass the following inter-alia, Order: -

"XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX"

18. In so far as the direction issued regarding the furnishing of the schedule of minimum wages by the insurance company in cases where the income of the claimant/deceased has not been properly established, let a copy of this order be sent by the Registrar Judicial of this Court to the learned Registrar Generals of the High Courts, who shall ensure that the a copy of this order is sent to all Motor Accident Claims Tribunals, to see that the direction is followed strictly.

"XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX"

Accordingly, please find enclosed herewith a Certified copy of the Reportable Judgment dated 08.08.2025 for necessary compliance and submit the compliance Report positively.

Kindly acknowledge the receipt of this letter.

Yours sincerely,


27.4.2026
Assistant Registrar

Encl: As above

119 (1-10)

Certified to be true copy

Assistant Registrar (Jud.)

26/10/2025
Supreme Court of India

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 10278 OF 2025
(Arising out of SLP(C) No. 14444/2025)

26059389

HITESH NAGJIBHAI PATEL ... APPELLANT(S)

VERSUS

**BABABHAI NAGJIBHAI
RABARI & ANR.**

... RESPONDENT(S)

ORDER

Time taken for disposal of the claim petition by MACT	Time taken for disposal of the appeal by the High Court	Time taken for disposal of the appeal in this Court
8 years 3 months	2 years 6 months	5 months 6 days

Leave granted.

2. By way of the present appeal, the claimant-appellant challenges the Judgment and Order of the High Court of Gujarat at Ahmedabad passed on 20th August 2024, in R/First Appeal No.4863 of 2022, which, in turn, was preferred against the order dated 17th September 2021 in M.A.C.P. No.87 of 2017 passed by the Motor Accident Claims Tribunal (Auxi) & 3rd Additional District Judge – Banaskantha at Deesa.

3. On 14th October 2012, the minor appellant, namely, Hitesh Nagjibhai Patel aged 8 years, along with his father, was standing on a 'kachcha' road, when the offending vehicle bearing registration No. GJ-8V-3085, driven in a rash and negligent manner, hit the appellant who was standing on the roadside. As a result of the incident, the appellant sustained severe injuries and thereby, suffered permanent disability. The appellant, through his father, filed a claim petition against the respondents herein under Section 166 of the Motor Vehicle Act, 1988¹, seeking compensation to the tune of Rs.10,00,000/- before the Tribunal.

4. The Tribunal, *vide* order dated 17th September 2021, while partly allowing the claim petition, held Respondent Nos.1 and 2 jointly and severally liable to compensate the appellant with an amount of Rs.3,90,000/- along with interest @ 9% per annum from the date of the claim petition. The Tribunal, by taking the view of the evidence on record, considered the permanent

¹ For Short "the Act".

disability of the appellant at 30% and awarded an amount under the following heads :

HEADS	AMOUNT
Pain and Suffering	Rs.3,00,000/-
Loss of Earning of Parents	Rs.30,000/-
Medical Expenses	Rs.30,000/-
Future Medical Expenses	Rs.30,000/-
Total	Rs.3,90,000/-

5. Aggrieved by the quantum of compensation, the appellant approached the High Court by way of appeal under Section 173 of the Act, seeking an enhancement of the compensation amount. The High Court, *vide* the impugned judgment, allowed the appeal and enhanced the compensation amount by Rs.4,75,000/-, thus making the total compensation payable as Rs.8,65,000/- along with interest @ 9% per annum on the enhanced amount. The Court considered that the appellant suffered a permanent physical impairment/mental disability to the tune of 70% and, therefore, assessed the total permanent disability to the extent of 90%.

6. In view of the decision rendered by this Court in *Mallikarjun v. Divisional Manager, National Insurance Company Limited and Anr.*², the High Court modified the award

² (2014) 14 SCC 396.

head and left leg, resulting in a brain haemorrhage and amputation of the left lower limb. Upon examination of the disability certificate and other medical documents, as also considering the nature, extent and impact of the injuries, the High Court in para 6.4 of the impugned judgment, quantified the permanent functional disability of the appellant at 90%. Taking into account the direct correlation between the injuries sustained and the consequent loss of permanent functional disability suffered by the appellant, we are in agreement with the finding of the High Court that the permanent functional disability stands rightly fixed at 90%.

12. Lastly, with a view of awarding just and fair compensation, in the attending facts and circumstances of the case, we are also inclined to enhance the compensation towards other pecun ary heads in accordance with the settled principle of law.

13. In view of the aforesaid, the compensation now payable to the claimant-appellant would be recalculated as under:

CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.6,836/-	<i>Baby Sakshi Greola v. Manzoor Ahmad Simon and Another,</i> (2022) 7 SCC 738 Para 10
Yearly Income	Rs.82,032/-	

Future Prospects (40%)	82,032 + 32,813 = Rs.1,14,845/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 and 59
Multiplier (18)	Rs.1,14,845/- X 18 = Rs.20,67,210/-	
Permanent Disability (90%)	90% of Rs.20,67,210/- = Rs.18,60,489/-	Mohd. Sabeer v. U.P. SRTC, (2023) 20 SCC 774 Para 12-15
Loss of Income/Future Earnings due to Disability	Rs.18,60,489/-	
Medical Expenses	Rs.30,000/-	Sidram v. Divisional Manager, United India Insurance Ltd. (2023) 3 SCC 439 Para 63-66, 89 Kajal v. Jagdish Chand, (2020) 4 SCC 413 Para 19, 26, 28, 29 Sanjay Rajpoot v. Ram Singh, 2025 SCC OnLine SC 285, Para 12 Mallikarjun v. National Insurance Co. Ltd., (2014) 14 SCC 396 Para 13 Para 12-15
Future Medical Expenses	Rs.50,000/-	
Special diet and Transportation	Rs.1,00,000/-	
Loss of Marriage Prospects	Rs.3,00,000/-	
Loss of Income during treatment	Rs.50,000/-	
Pain and Suffering	Rs.5,00,000/-	
Loss of Amenities	Rs.2,00,000/-	
Cost of Artificial Limb	Rs.5,00,000/-	Ayush v. Reliance General Insurance Co. Ltd., (2022) 7 SCC 738 Para 14-15
TOTAL	Rs.35,90,489/-	

Thus, the difference in compensation is as under :

MACT	High Court	This Court
Rs.3,90,000/-	Rs.8,65,000/-	Rs.35,90,489/-

14. As can be seen, there is a great difference between the compensation as awarded by the Courts below and the compensation payable as per law. We are constrained to observe that appeals to the High Court as well as to this Court were entirely avoidable, since the law had been amply clarified well before the order of the Tribunal was made on 17.10.2021 by way of the judgment rendered by this Court in *Kajal* (supra) decided on 05.02.2020. Both the Courts were duty-bound to keep abreast with the law as clarified by this Court, ensuring that the judgments and orders passed by them are entirely in order therewith.

15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matrix of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law.

16. We may also observe that, in general, i.e., accidents involving adults, we are often confronted with situations where

the Minimum Wage Data is not readily available and every so often, the question that has been made up to this Court hinges only on the calculation of income. In that view of the matter and in the hope of reducing the claimants need to file appeals to this Court or even the High Court, we deem it appropriate to direct that in cases where the claimant has failed to furnish appropriate details of income or adequate proof thereof, it shall be the responsibility and obligation of the contesting party, more particularly the insurance company to furnish before the Tribunal the applicable minimum wage as duly issued by the concerned government.

17. The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 17th September 2021 in M.A.C.P. No.87 of 2017 passed by the Motor Accident Claims Tribunal (Auxi) & 3rd Additional District Judge – Banaskantha at Deesa, as modified by the High Court of Gujarat at Ahmedabad, *vide* the impugned order dated 20th August 2024, passed in R/First Appeal No.4863 of 2022 stands modified accordingly. Interest on the amount is to be paid, as awarded by the Tribunal, i.e., @ 9% per annum, from the date of filing of the claim petition.

18. In so far as the direction issued regarding the furnishing of the schedule of minimum wages by the insurance company in cases where the income of the claimant/deceased has not been properly established, let a copy of this order be sent by the

Registrar Judicial of this Court to the learned Registrar Generals of the High Courts, who shall ensure that a copy of this order is sent to all Motor Accident Claims Tribunals, to see that the direction is followed strictly.

19. The amount be directly remitted into the bank account of the appellant. The particulars of the bank account are to be immediately supplied by the learned counsel for the appellant to the learned counsel for the respondent. The amount be remitted positively before 30th September, 2025.

Pending application(s), if any, shall stand disposed of.

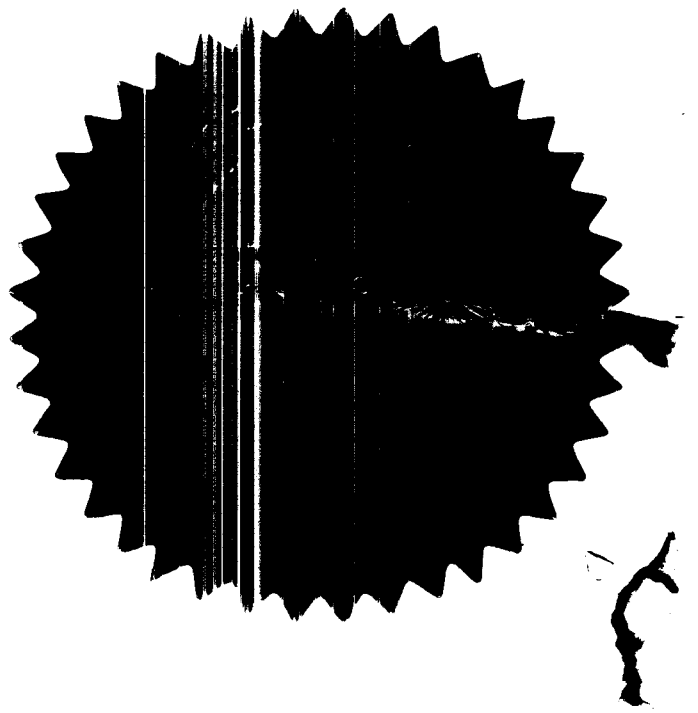
-sd-

(SANJAY KAROL)

-sd-

.....
(PRASHANT KUMAR MISHRA)

New Delhi;
08th August, 2025.



SEALING IN MY PRESENCE