IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP (Civil) No. 18587 of 2026)

JAYPRAKASH PATIDAR **APPELLANT(S)**

VERSUS

MAGMA H.D.I. GENERAL INSURANCE COMPANY LTD. & ORS. **RESPONDENT(S)**

O R D E R

1. Leave granted.

2. The appellant, aged 26 years at the time of the accident on 21.04.2014, suffered injuries over his right leg, for which a disability certificate was issued showing that he has suffered physical disability of 70%, with 30% improvement expected with time and vigorous physiotherapy.

3. Indisputably, the appellant was appointed as Executive – Receivables (VF) in Chola Business Services Limited, with a monthly basic salary of Rs.6,500/- + House Rent Allowance (HRA) of Rs.2,400/- + Conveyance Allowance of Rs.700/-, totaling Rs.9,600/- per month.

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Reason:

4. The Tribunal assessed his monthly income at Rs.9,600/- and taking the disability at 35%,

assessed his loss of income at Rs.6,85,440/- without calculating future prospects. The High Court, therefore, enhanced the amount on this head by adding 40% towards future prospects, and thus the total amount of compensation paid by the Motor Accident Claims Tribunal (MACT) at Rs.10,84,520/- has been enhanced to Rs.14,34,520/-.

5. In this appeal, learned counsel for the appellant would raise two main submissions: firstly, that his monthly income should have been taken at Rs.13,515/-, basing the Income Tax Return for the relevant year, in which his total yearly income was shown as Rs.1,62,180/-; and secondly, that the disability should have been taken at 70% and not 35%.

6. For the first limb of argument, learned counsel would refer to the judgment rendered by this Court in the matter of *Anjali & Ors. vs. Lokendra Rathod & Ors.*[1] to submit that where Income Tax Returns are available, the same should be accepted to assess the income of the deceased/injured. However, a perusal of the said judgment would demonstrate that in the said case, the deceased was a businessman. In the present case, we are dealing with a claimant who has

1 **2022 SCC OnLine SC 1683**

suffered injuries in an accident and was employed on a particular monthly salary basis. Thus, where proof of monthly salary by way of such mention in the appointment letter is available, a different figure as income from salary mentioned in the Income Tax Return, may not be acceptable. It would have been a different position where the appellant had examined the employer to prove that, in addition to the salary, he was also receiving incentives for which documentary proof is available, however, such is not the case here.

7. Insofar as, the second argument concerning disability of 70% is concerned, it is profitable to refer to the medical certificate, which states that the appellant has 70% physical impairment in relation to his right leg only, and there is no certificate that the appellant has suffered 70% physical impairment of the entire body. Moreover, the certificate also states that 30% improvement is expected with time and vigorous physiotherapy.

8. Thus, instead of the disablement worsening in due course, it may improve with vigorous physiotherapy. Therefore, since the injury is only on one leg, we find that the disability taken at 35% is in accordance with the medical evidence on record.

9. For the foregoing reasons, we do not find any ground to interfere with the impugned order, hence the appeal fails and is hereby dismissed.

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

……J.
[PRASHANT KUMAR MISHRA]

……J.
[SHREE CHANDRASHEKHAR]

NEW DELHI;
November 17, 2026.

ITEM NO.26 COURT NO.11 SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).18587/2026

[Arising out of impugned final judgment and order dated 14-11-2025 in MA No. 1498/2019 passed by the High Court of Madhya Pradesh at Indore]

JAYPRAKASH PATIDAR Petitioner(s)

VERSUS

MAGMA H.D.I. GENERAL INSURANCE COMPANY LTD. & ORS. Respondent(s)

IA No. 144756/2026 - EXEMPTION FROM FILING O.T.

Date : 17-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Petitioner(s) Mr. A.L. Patidar, Adv.
Mr. Ashwin Patidar, Adv.
Mr. Aman Singh Bhadoria, Adv.
Mr. Aaditya Thorat, Adv.
Mr. Amaan Shreyas, Adv.
Ms. Mannat Tipnis, Adv.
Mr. S. Parthasarathi, AOR

For Respondent(s) Mr. Chandan Kumar, AOR
Mrs. Rakhi Anand, Adv.

Mr. Aniket Rai, AOR (Amicus Curiae)
Mr. Shoaib Fazil S., AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The Civil Appeal is dismissed in terms of the Signed Order.

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

(MINI) (ANU BHALLA)
COURT MASTER (SH) COURT MASTER (NSH)
(Signed Order is placed on the file)