

2026-PHHC-026771

COURT ON ITS OWN MOTION ... **PETITIONER**
SURINDER SINGH ... **RESPONDENT**

By order

H.S. GREWAL, J. (ORAL)

1. Present case has been preferred by injured-claimant being aggrieved by the impugned award dated 04.11.2008 passed by the learned Motor Accidents Claims Tribunal, Karnal vide which the claimant was awarded Rs.11,97,700/- compensation on account of injuries suffered by her in the accident by rash and negligent driving of respondent - Surinder Singh.
2. The respondent was sentenced to 10 days confinement along with Rs.2000/- fine, which this Court found to be much on the lower side and, accordingly, vide order dated 18.03.2010, issued a show cause notice to the respondent as to why the sentence should not be enhanced.
3. It has been brought to the notice of the Court that inadvertently in the order dated 30.01.2026 Mr. Jatinder Nagpal, Advocate was mentioned as Amicus Curiae to represent the petitioner whereas he was appointed as Amicus Curiae to represent the respondent.
4. Registry is directed to make necessary correction in the order

5. The respondent, who was initially unrepresented, is now represented by an Amicus Curiae. Learned counsel for the respondent has placed reliance upon the judgment of Jharkhand High Court titled as *Shankar Kumar Vs. State of Jharkhand* (Crl. Revision No. 874 of 2010, decided on 05.12.2022), wherein the sentence was modified to the period already undergone, subject to enhancement of fine to ₹10,000/-.

6. After considering the fact that the accident had taken place in the year 2007 which resulted in the injuries to the claimant and FAO of the claimant is pending, wherein enhancement is yet to be considered by this Court and the petitioner has already suffered the agony of protracted trial, spanning over a period of more than 18 years and has been in the corridors of the court for this prolonged period and the fact that he had to go through mental agony, this court is of the view that it would not be appropriate to enhance the sentence of the respondent after a lapse of 18 years. Accordingly, this Court deems it proper to enhance the fine to ₹10,000/-, which shall be paid to the injured-claimant by way of compensation.

7. The present petition is disposed of in the above terms.

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

17.02.2026

Janki

(H.S.GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No