



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(125)

CR-5783-2025

Date of Decision:-26.08.2025

BALJINDER SINGH @ BALWINDER SINGH AND ANOTHER

... Petitioner

Versus

KARMINDER KAUR AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Ms. Jyoti Pandey, Advocate, and
Mr. M.M. Pandey, Advocate,
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

This revision petition under Article 227 of the Constitution of India has been directed against the order dated 16.07.2025, vide which, the learned Motor Accidents Claims Tribunal, Sirsa (in short 'the Tribunal') has dismissed the application filed by the petitioner under Order 7 Rule 11 of CPC in a motor vehicle accidents claim petition. Petitioners has filed an application for rejection of the claim petition on the grounds that the claim petition on behalf of married daughter is not maintainable as she is not entitled to compensation for loss of dependency in the light of the judgment of Hon'ble Supreme Court in ***Deep Sikha and Anr. Vs. National Insurance Company Ltd. And Ors, 2025 SCC Online SC 1090***, that application was declined.

2. Aggrieved, the present revision petition has been filed on the grounds that the Tribunal has not taken into consideration the settled law regarding the rights of the married daughters and has failed to appreciate the law laid down in the matter of ***Deep Sikha*** (supra). The Tribunal has dismissed the application without actually having called for the evidence as to if respondent No.1/claimant is a married daughter or was financially dependent on her



deceased father or not and the Tribunal has committed mistake in not recording evidence regarding dependency of the contesting respondent, whereas, this should be treated as a preliminary issue.

3. I have gone through the impugned order. There is no illegality and infirmity in the impugned order and it cannot be held that the Tribunal has not exercised the jurisdiction vested in it. The grounds of the revision petition are itself contradictory. It is settled law that the petitions under Order 7 Rule 11 of CPC are to be decided only on the basis of averments of the plaint without taking into consideration the defence of the respondents, whereas, in the grounds of revision petition, the petitioner itself has raised the ground that the Tribunal has not allowed the parties to lead the evidence with regard to the dependency of the respondent/claimant, so, when from the bare perusal of the claim petition, it cannot be concluded that claimant is not entitled to maintain petition in view of the law laid down by Hon'ble Apex Court in ***Deep Shikha*** (supra) and evidence is required to consider the application of the petitioner, the learned Tribunal was right in declining the application and no ground is made out to interfere in the well reasoned order of the Tribunal.

4. Accordingly, the present revision is dismissed.

26.08.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No