

**IN THE COURT OF CHIEF JUDGE, COURT OF SMALL
CAUSES, BENGALURU.****MVC No.7127/2022****PW1****Duly Sworn on : 02.05.2025**

Name	Kemparaju
Father's Name	Ramaiah
Age	36 years
Occupation	Auto Rickshaw driver
Residence	Sompura village, Anekal Taluk, Bengaluru Rural district

Chief Examination by Smt.NP Advocate for Petitioner:

Today I have filed my affidavit in lieu of my examination in chief. The contents of the affidavit are true and correct.

Today, I have filed following documents:

1	True copy of FIR with complaint
2	True copy of Panchanama
3	True copy of IMV Report
4	True copy of Notice issued U/S 133 of IMV Act
5	True copy of reply to above notice
6	True copy of Indemnity bond
7	True copy of wound certificate
8	True copy of Chargesheet
9	Discharge Summary
10	Lab report

11	4 Medical bills (Rs.6,730/-)
12	2 Prescriptions
13	Notarized copy of my Aadhar Card

The same are marked as Ex.P.1 to P.13.

Cross Examination by Sri.KSK Advocate for R2 / United India Insurance Company (Tanker bearing Reg. No.KA-51-AB-2829 :

- 1) On 06.12.2022 I was driving the Auto Rickshaw. Since last 2 years as on 06.12.2022 I was driving Auto Rickshaw. On the date of the accident I was driving Auto Rickshaw from Sarjapura towards Dommasandra. The place of alleged accident is a heavy traffic area, 2 way traffic area containing a divider. The place of accident is a Hosakote connectivity road. During accident no passengers are present in the Auto Rickshaw.
- 2) At about 12.30 noon accident taken place. Immediately prior to the accident a two wheeler, a car are running in front of my Auto Rickshaw. At Sompura gate accident taken place. There is a marriage hall near the place of accident. The place of accident is a U-turn area without signal pole or signal point. In the U-turn area vehicles have to turn by observing the vehicles running from the opposite direction.

- 3) It is true to suggest that Immediately prior to the accident in the U-turn area in order to turn the Auto Rickshaw I have stopped the Auto Rickshaw.
- 4) When I have stopped Auto Rickshaw to take U-turn a Tanker was running from the opposite direction. When I have stopped Auto Rickshaw to take U-turn I have furnished signal (Indicator). It is true to suggest that in a complaint I have not mentioned about furnishing indicator when I have stopped Auto Rickshaw to take U-turn. It is true to suggest that when my Auto Rickshaw was in stationery at U-turn area no vehicles are present on the left side of the Auto Rickshaw, therefore vehicles can pass on the left side of stationery Auto Rickshaw.
- 5) It is false to suggest that I have stopped the Auto Rickshaw in the middle of the U-turn space. Initially car dashed to right side of my Auto Rickshaw. Lorry never dashed to my Auto Rickshaw. However Lorry dashed to the car therefore car dashed to my Auto Rickshaw.
- 6) I have furnished information about presence of a stationery car behind my stationery Auto Rickshaw at U-turn area. It is false to suggest that Lorry never caused accident and Lorry

passed without causing accident. Before police I have stated that car dashed to my Auto Rickshaw.

- 7) Regarding accident I have filed complaint. I do not know when I have filed complaint.
- 8) In the accident my Auto Rickshaw was fully damaged. Till date I never get released Auto Rickshaw from police. **Now I am not possessing RC, policy, permit, FC, emission certificate pertaining to Auto Rickshaw bearing Reg. No.KA-01-AL-7338.** Till date after accident I never went to Sarjapura police station. Till date I have not collected copy of the Driving Licence. I have obtained licence to drive Auto Rickshaw from (KA01) RTO office, Bengaluru.
- 9) Immediately after accident I went to Spandana hospital, Sompura gate. I have produced MLC Register Extract pertaining to Spandana hospital wherein taken treatment for 2 days. I have taken followup treatment about 15 times. I have not produced Medical bills worth of Rs.1,00,000/-. I have not produced documents regarding quantum of income worth of Rs.30,000/- per month and loss of income for a period of 3 months.

10) Regarding accident Police have registered case against driver of the Lorry. Till date I never deposed evidence before any Magistrate court. Till date I have not received any type of notice from any court of law.

11) It is false to suggest that even though due to my error the alleged incident taken place, by colluding with the police booked a false case against the driver of the Lorry.

Cross Examination by Sri.KP Advocate for R4 / Go Digit GIC / Insurer of the Auto Rickshaw bearing Reg. No.KA-01-AL-7338 alleged to be belonging to the petitioner :

12) I do not remember on 06.12.2022 who was the RC owner of the Auto Rickshaw bearing Reg. No.KA-01-AL-7338. I am the second purchaser of the Auto Rickshaw bearing Reg. No.KA-01-AL-7338. I do not remember name of the person from whom I have purchased above noted Auto Rickshaw. During 2021 I have purchased above noted Auto Rickshaw.

13) It is false to suggest that as on 06.12.2022 I am not having licence to drive Auto Rickshaw. It is false to suggest that as on 06.12.2022 Auto Rickshaw bearing Reg. No.KA-01-AL-7338 to run in the place of alleged incident.

- 14) It is true to suggest that as a Lorry dashed to a car, car dashed to my Auto Rickshaw.

Cross Examination by Sri.Nagaraju Advocate for R6 / New India Insurance Company (insurer of the Car bearing Reg. No.KA-05-MW-9493) :

- 15) It is true to suggest that in Sarjapura one way traffic road at Sompura gate I was expecting opportunity to turn Auto Rickshaw in a U-turn area and driver of the car also expecting opportunity to turn car in U-turn area. It is true to suggest that in the U-turn area my Auto Rickshaw and car are in stationery in the opposite direction and beside road divider.
- 16) It is true to suggest that in view of the dashing of the Tanker bearing Reg. No.KA-51-AB-2829 to the stationery car, car dashed to my stationery Auto Rickshaw. It is true to suggest that if in case of non dashing of the Lorry to the Auto Rickshaw the incident could not have taken place. It is true to suggest that in the complaint I have narrated the same fact. It is true to suggest that police have filed Chargesheet against the driver of the Tanker. It is true to suggest that I have not filed complaint alleged that due to the error of the

driver of the car the accident taken place.

17)It is false to suggest that I have filed false affidavit and deposed false evidence.

Cross Examination by Sri. Advocate for R / Insurance Company :

Respondent No.2 and his Advocate absent. Hence, cross examination on behalf of R2 is taken as nil.

Cross examination by R3 – RC Owner of the Auto Rickshaw :

Till date notice of the amended petition is not served on Respondent No.3.

Cross examination by R5 – owner of the car bearing Reg. No.KA-05-MW-5493:

Till date notice of the amended petition is not served on Respondent No.5.

Further cross examination by Sri.KSK advocate for R2 / insurer of the Tanker :

Auto Rickshaw bearing Reg. No.KA-01-AL-7338 is a Yellow board vehicle.

(8)

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Re-examination : Nil.

(Computerized as per my dictation in open court)

R.O.I.&.A.C.

CHIEF JUDGE,
Court of Small Causes,
Bengaluru.