

Witness present and duly sworn on 27.02.2026**Cross examination by Advocate for R-3 & 4:**

It is true to suggest that we have issued policy to the vehicle bearing no.KA-06-HK-7524. The Charge sheet was filed against the motorcycle bearing no.KA-06-HK-7524. I am not aware that vehicle bearing no.KA-06-HK-7524 was proceeding from Kunigal to Tumkuru. I am not aware that at the time of accident, the vehicle bearing no.KA-06-HK-7524 was proceeding from Kunigal to Tumkuru at a high speed, in a rash and negligent manner and without indicator, suddenly took right turn, thereby the vehicle which coming behind came contact to the said vehicle and caused the accident. It is true to suggest that as per charge sheet, the accident occurred due to negligence on the part of rider of vehicle bearing no. KA-06-HK-7524.

2. It is true to suggest that the rider of the two wheeler bearing no. KA-06-HK-7524 was not having DL. It is false to suggest that the accident occurred due to negligence on the part of rider of two wheeler bearing no.KA-06-HK-7524, thereby we are liable to pay compensation to the petitioner.

Cross examination by advocate for petitioner:-

I read our written statement and I know the contents of our written statement. I do not know the contents of Respondent no.1's written statement. I read the available police documents. I read the Ex.P-1 to Ex.P-8 police documents.

Question: The Respondent no.1 has stated in his written statement that the rider of the motorcycle bearing no.KA-09-EW-9357 was having valid DL. Isn't it?

Ans: I can't comment regarding the said motorcycle because we have not issued any policy to the said motorcycle.

2. It is true to suggest that we have issued insurance policy to the motorcycle bearing no. KA-06-HK-7524. It is true to suggest that H.S.Suresh/ Respondent no.1 is the owner cum insured of the said vehicle at the time of issuance of the policy and as on date of accident. It is true to suggest that as per police documents, the vehicle bearing no.KA-09-EW-9357 was involved in the accident. I do not know the said vehicle pertains to the Respondent no.3.

3. It is true to suggest that I admitted that involvement of our insured vehicle, issuance of policy and accident. It is true to suggest that as on date of accident, the bundle policy was force and it covers the risk of third party. Witness voluntary states that it covers the risk of third party with subject to terms and conditions.

4. It is true to suggest that the pillion rider/ deceased of this case was a third party. It is true to suggest that FIR was registered against rider of our insured vehicle. It is true to suggest that after thorough investigation, the police have filed a charge sheet against

our insured vehicle as well as KA-09-EW-9357. It is true to suggest that except the insurance policy, I have not produced any documents before this court. It is true to suggest that I have not produced authorization letter before this court.

5. I do not have any authenticated documents to substantiate last two lines of para-4 of my chief affidavit that *“he himself ride the bike rashly and caused the self accident and there was no rash riding on the part of our insured vehicle and its rider”*. We have appointed internal investigator to collect the documents and to conduct investigation with respect to negligence and DL. I do not know the name of investigator, I have to check.

Question: Have you issued notice to the insured for production of DL and for compliance of Sec.134(c) of MV Act?

Ans: Yes.

6. I have not produced notice and postal receipts to that effect. The said notice was not served. I have no impediment to produce said notice and postal receipts before this court. I can produce unserved RPAD. It is false to suggest that since we have not sent notice to our insured demanding production of DL and statement from Respondent no.1. It is false to suggest that without issuing notice and collecting information from Respondent no.1, I am incompetent to say that the rider of the motorcycle was not having DL at the time of

accident. On the basis of charge sheet as well as internal investigation report, I am saying that the rider of motorcycle was not having DL at the time of accident. I have not produced internal investigation report before this court and have no impediment to produce the same before this court.

Further cross examination: deferred.
(Computerised to my dictation in the Open Court).
R.O.I. & A.C.

II Addl. Judge.