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ಶ. ಕೆ. ನಗರ
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IN THE COURT OF HON'BLE SENIOR CIVIL JUDGE
COURT HUNGUND

M.V.C.NO-442/2022

1) Smt Rekha W/o Santosh Bannikoppa
Age-22 years Occ-House Hold
R/o Nagara Tq-Mudhol
Now at parental house At-Sulibhavi
Tq-Hungund Dt-Bagalkot

-----Petitioner

V/s

1) Sudeep T.N S/o Nagaraj S.T.
Gajanur Forest Quarters
GAJANUR Tq-Dt-Shivamogga
and others

-----Respondents

WRITTEN STATEMENT OF RESPONDENT NO-1

HEREIN the respondent No-1 respectfully begs to submit the objection as follows:----

- 1) The respondent No-1 here by denies all the averments of the petition except those are admitted by him to be true.
- 2) It is true to say that, the vehicle owned by this respondent No-1 met with an accident within the jurisdiction of Hosakote police limits as mentioned in the petition. But it is false to say that, this accident was caused because of the negligence of respondent No-1 who was the driving the car owned by him. The accident was caused because of the negligent driving of the private bus bearing Regd No-KA 19 AA-0827. The complainant and owner of bus colluding with each

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Sudeep T.N

other have registered a false case against the respondent No-1 even though he was not negligent at the time of accident. Hence, this petition is not maintainable unless the owner and insurer of private bus bearing Regd No- KA 19 AA-0827 is made as party to this petition. This respondent No-1 was injured and was unconscious immediately after the accident, there was no occasion for this respondent No-1 to file complainant against driver of private bus bearing Regd No- KA 19 AA-0827.

3) It is respectfully submits that, respondent No-1 and deceased Santosh Bannikoppa were family good friends. The deceased and his wife Rekha W/o Santosh Bannikoppa i.e petitioner were residing at rental house at Gajanur. On the fatal day of accident myself, my family member and deceased were proceeding to Bengaluru in my car. The respondent No-1 was driving his vehicle in a slow manner. The driver of private bus bearing No- KA 19 AA-0827 drove his vehicle in negligent manner and dashed to the car of respondent No-1. Hence, this respondent No-1 is not liable to pay any compensation to the petitioner and to respondent No-3.

4) It is respectfully submits that, the father and mother of deceased have filed another petitioner subsequent to this petition bearing MVC No-541/2022 before Hon'ble Senior Civil Judge court Hungund. There cannot be double trial or proceedings for the same cause of action before two deferent courts. Hence, this subsequent petition at Mudhol court is not maintainable in the eye of law. This respondent No-1 is ready for adjudication before this Hon'ble court.

5) It is respectfully submits that, the car of the respondent No-1 bearing Regd No-KA-51-Z-0606 is insured with respondent No-2 bearing policy No-OG-23-1710-1801-

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00000230. The insurance policy was in force as on the date of accident i.e from 11-07-2022 to 10-07-2022. The respondent No-1 was driving the vehicle on the day of accident. He was holding valid driving licence to drive the same bearing license No-KA14 20100008907 valid up to 9-11-2030. If this Hon'ble court is of the opinion that, the respondent No-1 was negligent and responsible for the accident, the respondent No-2 as a insurance has to pay the compensation to the petitioner and to respondent No-3. The petitioner has not impleaded father of the deceased. Hence, it is respectfully submits to dismiss the petition as against the respondent No-1 in the interest of justice and equity.

Hence, this written statement.

Hungund

Date: 17/3/23

Sudeep T.N
Respondent No-1

VERIFICATION

HEREIN I Sudeep T.N S/o Nagaraj Age-35 years Occ-Private work R/o Gajanur Tq-Dt-Shivamgga do here by states on solemn affirmation that:--

The contents of this written statement are written as per my information, same are read over to me. I understood the same. The contents are true and correct to the best of my knowledge, belief and information.

Hence this verification.

Hungund

Date: 17/3/23

Sudeep T.N
Respondent No-1

S. S. Srinivas
Advocate for respondent No-1

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