

PW-1 present, duly sworn on 07-07-2025.

Cross-Examination of PW-1 by Smt.H.M Advocate for Respondent No.2:

I have no other documents except furnished as to expenditure. Final bill reflects the cost of individual medical prescription/bills. Cost of Pharmacy bills also reflected in final bill. I was not operated. I was discharged on doctors advice. It is false to suggest that, i was fully recovered at the time of discharge. I was responding to the medication.

2. I have produced the documents pertaining to my follow up treatment and I have no other documents to that effect. I have produced Ex.P12 discharge summary as to my treatment. At present, I have one boat. I have not produced any document to show that earlier I had 2 boats and now I am left with one boat. I have no document monthly income of Rs.22,000/- as stated in para 5 of my affidavit. Disability certificate is not issued. Witness volunteers that he is still under follow up treatment. I have produced the medical bills pertaining of First Neuro Hospital to that effect.

3. I was initially treatment by Dr.Ananthan. For one year I was unable to walk and speak. My wife had consulted him for disability certificate, but he has failed to issue the same. I have no document as to one year of my bedrest. After my discharge, I was not re-admitted.

4. I have the document as to the existence of Ex.P15 till date. Ex.P16 is of the year 2025 and the scheme came into existence in the said year. On being member of the Society, Ex.P16 will be issued, it requires no other document. I have not received the final certificate of Ex.P16. It does not contain the authorized signatures.

5. I have not surrendered my DL, as I am unable to drive due to injuries sustained. I have not furnished my IT document prior and subsequent to 2017-18. I have not submitted any letter to income tax department, that I am unable to file IT returns as to loss of income due to injuries sustained. Statement of Accounts attached to Ex.P14 does not have my signature. On the account in the Karnataka Bank, statement of account is drafted. I have drafted my IT returns. I have no supportive document as to the fuel charges, salary, purchase of items and sale of dry fish shown in my IT Returns. Ex.P14 does not reflect loan of Rs.20 Lakhs and also of my two local boats. It is false to suggest that, Ex.p14 is created for the claim.

6. I drive two wheeler. I had sustained head injury. Police had seized my helmet. I had not asked to return my helmet, at the time of release of my vehicle. Roopesh, Harish and Murali Mohan belongs to my village. I do not know whether they were present at the spot. They had shown the Accident spot to the police. Rohith belongs to my village, I do not know where he was at the time of accident. Ramappa Uchil is my sister's husband. He was not at the accident spot. I regained my conscious after one week of the accident. Babith belongs to my village, he had informed about the accident to Ramappa Uchil. Ramappa Uchil had informed the police about the accident and he is the complainant. I had not informed anything about the accident to Ramappa, as I was unconscious.

7. There was 10 feet of road on my right side and 5 ft towards my left. I was not in the middle of the road. Ex.P6 sketch is correct. My vehicle was damaged in the front and of the offending vehicle at the back. The offending vehicle negligently overtook my vehicle and caused the accident. The left side of the lorry, hit against my vehicle.

It is false to suggest that, there is hump in the said road prior to the accident spot. It is far ahead to the accident spot. I was travelling from Uchila side to Sankolige side. Ex.P6 reflects hump prior to the accident spot. Railway gate come after the hump and it was open. Once the Railway gate is closed, it takes 15 minutes to open. It is false to suggest that, in order to pass through the Railway gate, I slipped in the humps due to my speed driving and hit against the vehicle and lorry driver was not at fault. Accident took place in the rainy season. It is false to suggest that, I was not wearing the helmet on the date of the accident. It is false to suggest that, false case has been filed through the assistance of my family members.

Re-Examination: NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

**III Addl. District & Sessions Judge,
D.K, Mangaluru.**

III ADJ, MANGALURU

M.V.C 2074/2022
PW1-Kishore M.Uchil