

Witness duly sworn on 17.07.2025.

Cross Examination by Advocate for petitioner.

Since April 2024 I am working in respondent no.2 company. My examination in chief is prepared by our counsel on the basis of information given by me. I have read the examination in chief filed by me and its contents are true. The sitting capacity of vehicle involved in the accident is 5 seater which includes driver. As per the petition averments at the time of alleged accident 4 persons were travelling in the car. However as per FIR 5 person including driver were travelling in the car. It is true to suggest that, the travellers were within the sitting capacity limit of the vehicle.

2. It is true to suggest that, insurance policy will be issued on proposal being made by the owner or representative of owner, witness volunteers that the proposal has to be signed by the owner. I have not produced proposal form given by the owner to our company. There is no impediment

for me to produce the proposal form. Liability only policy covers only risk of 3rd party to the vehicle. To the question that other than the insurer and insured other person is 3rd party witness states that in the present case inmates are not 3rd party as policy is liability only policy. The terms and conditions applicable to the policy are contained in the policy itself. It is false to suggest that, the policy does not contain terms and conditions.

3. As per the proposal given by respondent no.1 he had sought for liability only policy. To the question whether the terms and conditions of the policy have been explain to respondent no.1 witness states that it has to be concerned person issuing policy. It is true to suggest that the deceased Mumtaz Makandar and the petitioners in MVC No.94 and 95/2022 and present case are not party to contract of insurance. Since the respondent no.1 was knowing that he has taken liability only policy as stated in my examination in chief at para no.2 that knowingly the respondent no.1 allowed the inmates of the car to travel in the said car. It is

false to suggest that, I am deposing falsely that the respondent no.1 by allowing deceased Mumtaz Makandar and the petitioners in MVC No.94 and 95/2022 and present case ahas violated policy condition. It is false to suggest that the petitioners in MVC No.94/2022, 95/2022 and in the present case being the inmates car are entitle for compensation from respondent no.2. It is false to suggest that, in order to avoid the liability of paying compensation to the claimants in all the cases I am deposing falsely before the court.

Re-examination: NIL.

(Typed my diction to open court, read over to the witness and admitted to be correct)

R.O.I.A.C

Sd/-

II Addl. Senior Civil Judge
& JMFC, Hubballi.