IV ADDL. DISTRICT AND SESSIONS JUDGE HASSAN
(SIT AT CHANNARAYAPATNA)
MVC No: **2030/2024**

RW: 2
Witness present and Duly Sworn on: 09.01.2026

Examination in chief by way of Affidavit of respondent:

I am Manager Claims in 2nd respondent insurance company. I have been authorized to depose before the court on behalf of 2nd respondent. I am deposing before the court on the basis of records available to me. I have filed my affidavit in lieu of examination in chief. The contents of affidavit are true and correct. I have given instructions to prepare the affidavit. It bears my signature.

I have produced the documents and marked as under:

ExR6: Original Authorization letter

ExR7: Attested copy of Policy

Hence I pray to dismiss the claim petition.

Cross-examination by Sri. MSD Advocate for petitioner :-

1) It is true to suggest that charge sheet is filed alleging that on 09.09.2018 the respondent No.1 has caused the

accident by rash and negligent riding of Motorbike. It is true to suggest that respondent No.1 has taken insurance policy from our company to his Hero Splendor Plus bike bearing reg. No.KA-16-Q-0552 subject to terms and conditions mentioned in the policy. It is true to suggest that as on 09.09.2018, the insurance policy issued by our company was valid and effective. It is false to suggest that in the presence of the insurance coverage, R2 company is liable to pay compensation, witness volunteers that the R1 was not holding valid and effective DL at the time of the accident and thereby violated the policy conditions. It is false to suggest that in order to avoid payment of compensation, I am giving false evidence. It is false to suggest that in spite of liability to pay the compensation, I am giving false evidence by filing false affidavit.

<u>Cross-examination by Sri. BCM Advocate for respondent No.1 :-</u>

2) I have verified the complaint and charge sheet filed in this case. It is true to suggest that accident occurred due to

head on collusion between the Motorbikes of claimant and R1. It is false to suggest that at the time of issuance of the policy the company will verify the DL of the insurer. I have no information regarding since how long the R1 is taking policy for his Motorbike in our company. It is false to suggest that since there was insurance coverage at the time of accident to the R1, Insurance Company is liable to pay the compensation, witness volunteers that there is clear mention in the charge sheet that R1 was not holding the DL at the time of accident.

Re-examination:- Nil.

(Computerized to my dictation in the open court)

ROI & AC

IV Addl District and Sessions Judge
Hassan (Sit at Channarayapatna)