

A. (ECA) No. 55/C-15/2019

Exh. UW-1

Witness for applicant

evidence on oath

Name : Surendrakumar Ramlakhan Sharma

Age : 47 years

Occupation : Nil.

Residence : U.P.

Examination in chief by Adv. H. Hussain for Applicant.

14. The contents are in my affidavit are drafted by my advocate as per my instructions. The contents are true and correct and it bears my signature. Certified copy of FIR at Exh.U-10. Certified copy of spot panchanama at Exh.U-11. Copy of medical paper of Sion Hospital at Article-A. Copy of driving licence of applicant verified from original at Exh.U-12. Copy of Aadhar card of applicant verified from original at Exh.U-13. Original disability certificate at Exh.U-14. Copy of medical bills at Article-B. Copy of legal notice at Exh.U-15.

Opposite party no.1 adjourned cross examination till next date.

Cross examination by Adv. S.Z. Chitte for Insurance company.

15. I am studied upto 8th class. I came by train from U.P. It is true to say that I am not cancelled my driving licence from RTO which is valid upto 2025. I had gone my native place in the year February 2019. I have 3 children. I am having agricultural land. I and my wife maintained my family. It is true to say that I have not filed copy of insurance policy. I met an accident 04/12/2018. It is true to say that the offending motor car no.MH-04-HM-1510 has not happened any

accident. WV stated that when I was open the door of the said motor car at that time the motor bike dashed to me. It is true to say that the said motor car has not seized by police. It is true to say that police has registered FIR against the motor bike. It is true to say that I have not filed any claim against the motor bike in any other court. It is true to say that I have not filed any document to show that I was working as a driver on the said motor car at the time of accident. It is not true to say that I was not working with the opposite party. It is not true to say that accident was not occurred during the course of my employment and out of employment. It is true to say that Sion hospital is Government hospital. It is not true to say that my medical expenses was free of cost in Sion hospital. It is not true to say that I was not sustained in the fracture or injury. It is not true to say that I was not in hospitalized in Sion hospital due to my accident. I was not sustained any injury or fracture due to the accepted therefore the Sion hospital has not issued any disability certificate. It is not true to say that the contents para no.3 in my affidavit are false. I was met Dr. Khanna in last month. I have not brought copy of x-ray. It is not true to say that I have filed false disability certificate and today I am not disable. It is not true to say that the contents in para no.4 to 7 in my affidavit are false. It is not true to say that medical bills are false and I am not entitled for Rs.1,00,000/- of medical expenses. It is true to say that my salary Rs.8,000/- mentioned in my claim application. It is true to say that I have not filed any muster roll, attendance register. It is not true to

say that the contents para no.9 and 10 in my affidavit are false. It is not true to say that I am not entitled for compensation from the insurance company. It is not true to say that I am deposing false.

Cross examination completed.

Re examination nil.

Date : 21/12/2023

Kpm/-

Sd/-
(V.O. Patil)
Commissioner under Employees
Compensation Act & Judge,
Fifth Labour Court, Mumbai.

Cross examination by Adv. A S Talekar for opposite party.

I am not aware of my date of birth but year is 1975. My age is 47 years. My accident dated 4/12/2018. My language is Hindi. I am studied upto 7th class passed. I took my education at U.P. I came from U.P. to Mumbai in year 1991. Earlier I was not doing any job but later I was under training as driver. I am shown my affidavit it is read by me. It is true to say that I have not mentioned address of my village in my affidavit. I was working as driver with opposite party since last 3 years. It is true to say that I have not file any document to show that I was working as driver with opposite party. It is not true to say that I was working as driver with opposite party since last 3 years are false. It is true to say that I can produce my bank passbook. It is not true to say that I was driving the vehicle of opposite party first time in the month of September 2018. It is true to say that I am not rejected the contentions of opposite party that I was working as driver for the month of September, October and November 2018. It is not true to say that the opposite party has given my salary through cheque. It is true to say that opposite party has given salary of Rs.16000/- through

ECS dtd 5/9/2018, 4/10/2018, 2/11/2018, 28/11/2018. It is true to say that I had sent demand notice to the opposite party. It is not true to say that I am deposing false. It is true to say that I was driving vehicle No. MH04-HM1510 on 4/12/2018 with the opposite party. It is true to say that the said vehicle park behind and I used to go renew the toll pass. It is true to say that motor bike was dashed to me. I do not know the number of motor bike. I am not aware what happened because I was unconscious at the time of accident. It is true to say that the opposite no. 1 has lodge the police complaint and taken away to me in Sion Hospital. It is true to say that in the Sion Hospital doctor was treated to me and then I was allowed to go. I am not recognized nick name Sonu Shyamlal Jaydev Pihal. I am not aware my brother was accompanied Shyamlal Jaydev Pihal and met opposite party no. 1. It is not true to say that my brother and Shyamlal had taken Rs. 20,000/- from Opp No.1 for giving me. It is true to say that the accident was not happened with the vehicle no. MH04-HM1510.

It is not true to say that I have not filed any document to issue that I was taken treatment from the Sion Hospital. It is true to say that

I have not filed disability certificate of Sion or any Government Hospital. My cousin brother told me to meet Dr. Naresh Khanna. I met Dr. Khanna dtd 2/8/2023. It is not true to say that after my accident I am residing at Thane. It is true to say that I have not filed X-ray report and physicle examination report to my disability. It is true to say that my driving license is valid till date. It is true to say that I am not cancelled my driving license till this date. It is not true to say that I am driving the vehicle till date due to I am not cancelled my driving license. It is not true to say that I am able to fit to drive the vehicle therefore I have not obtain the certificate of Sion hospital or any Government hospital. It is not true to say that I have obtain false certificate from Dr. Khanna. I am aware when any accident is met with any vehicle then the insurance policy is to be activate. It is true to say that I am not file any claim to any other court except this. It is not true to say that I have file false claim against opposite party for harass to him. I am not having any agricultural land. My wife look after my family. It is true to say that when I was driving the vehicle accident was not occurred due to the motor car no. MH04-HM1510. It is not true to say that my

claim application, affidavit, demand notice are false.

Cross examination completed.

Re examination nil.

Date : 22/12/2023

Ssc/-

sd/-
(V.O. Patil)
Commissioner under Employees
Compensation Act & Judge,
Fifth Labour Court, Mumbai.