

Resumed on oath.

Examination in chief by Ld. Adv. Smt. A.S. Talekar appearing on behalf of Opponent no.1 :-

17) Now, I am shown document filed at list Exh.C-3. It is my bank statement showing the salary paid to the applicant for the month of September-2018, October-2018 and November-2018. The original of the same is with me. It is exhibited as **Exh C-13**. The contention about this bank statement, I have narrated in para no. 6 of my evidence affidavit. Now, I am shown a copy of insurance policy filed at list Exh.C-7. The same is produced on record in compliance of the order of this court. It is exhibited as **Exh.C-14**.

Cross-examination by Ld. Advocate Mr.. Husain for the applicant :-

18) I am not recollecting the date of the alleged accident. Between 8.30 a.m. to 9.00 a.m., the said accident might have been occurred. At the relevant time of accident, I was going from Thane to Parel. At that time, my driver Mr. Surendra Kumar Sharma (applicant) was driving my vehicle. The accident was occurred within the jurisdiction of Navghar police station after crossing the Toll Naka marking towards Mumbai. In the said accident, my driver i.e. applicant was injured. As he was my driver, on humanitarian ground, I have admitted him in the hospital. (The witness volunteers that he was hit by one motor cycle while crossing the road and at the relevant time of accident, I was on mobile and he was gone for natural call and while crossing the road, he was hit by one motorcycle.) It is correct to say that as per police papers , he was gone for paying toll tax at toll naka. (The witness volunteers that without my order, he went for paying toll tax at

toll naka.) It is correct to say that when the applicant was admitted in the hospital, police had recorded my statement. I have paid money for twice approximately Rs.50,000/- to his brother towards hospital expenditure. It is not correct to say that I am falsely stating the above statement about the payment of money. I have paid said amount to him towards his hospital expenses as he was my driver. The vehicle bearing no.MH-04-HM-1510, the applicant was working as driver. The said vehicle belongs to me and at the relevant time, I had paid insurance premium duly. The applicant has a valid driving licence. Before accident, he was working with me for 3 months. Since accident, he never approached me. It is not correct to say that as he was totally unable to do his work of driving, he did not approach to me. (The witness volunteers that presently, he is doing the work of driving and I have the video of the same and on the next date, I will produce the pen drive of that video.) I used to pay him approximately the salary of Rs.16000/- per month. I do not know that presently, he is staying at his village and he is suffering the problem of heart. It is not correct to say that I am deposing falsely before this court.

(Cross-examination is adjourned till next date on the request of ld.

Advocate for the applicant.)

Sd/-

(D. G. More)

Commissioner under Employees
Compensation Act & Judge,
Fifth Labour Court, Mumbai.

Date : 08/08/2024

VVM/-