

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT
MALAVALLI
MVC. No. 505 of 2024

Petitioner: Eralinga and others
V/S

Respondent: Swamy and others.

Name: Chetan Wadawadagi

Father Name: Shravankumar

Age: 41 years

Occupation: Senior Manager-TP claims in 2nd Respondent Co.,

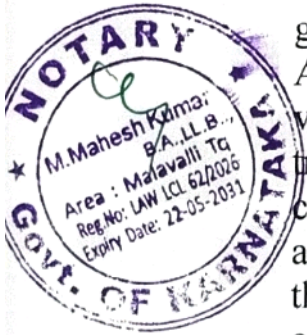
Residence: Mysore.

RW-1

EVIDENCE OF SECOND RESPONDET BY WAY OF AFFIDAVIT.

I, Chetan Wadawadagi S/o Shravankumar, aged about 41 years working with the second respondent as Senior manager TP claims, Mysore, now at Malavalli, do here by solemnly affirm and state oath as follows:-

1. I humbly state that I am the working as Senior manager-TP claims in the second respondent company. I am acquainted with the facts of the case and competent to depose before this court. I state that I am deposing my evidence based on documents only I have no personal knowledge about the incident and the matters pertaining to the above case and I am able to depose to the same.
2. I humbly state that we have issued Insurance policy bearing No. 6300269415 in favor of Mr. SWAMY in respect of Tata ACE goods vehicle bearing No.KA-01-AG-6251, the liability of this respondent company if any is limited to the terms and conditions of the policy and subject to valid and effective driving license of the driver in question
3. I further say, that the deceased and others were traveling in a goods vehicle Tata ACE goods vehicle bearing No. KA-01-AG-6251, was covered by "goods carrying commercial vehicle policy" in view of having allowed passengers to travel in a goods vehicle, contravention the terms and conditions of the policy. Therefore, there is express breach and violation of the term and conditions of the policy hence, this Respondent company is not liable to pay any compensation and that claim petition as against this Respondent is liable to be dismiss.



For Tata AIG General Insurance Co. Ltd.

NO. OF CORRECTIONS

Authorized Signatory

4. I further state that on the date of the accident, the deceased Padma and others 20 persons were traveling as unauthorized passenger in a goods TATA ACE vehicle bearing No.KA-01-AG-6251 to go to coolie work of sail and water resource contraction work in Ullegala village Sugudde. The vehicle Goods carrying commercial vehicle bearing KA-01-AG-6251 was covered seating capacity by only 1 driver and one licensed passenger as per the RC and policy. And not covered any persons who are traveling as unauthorized passenger as per this policy, in view of having allowed passenger to travel in a goods Tata ACE was contravention to the terms and conditions of the policy terms and conditions & RC. Therefore, the first respondent violating condition of policy. Hence, this respondent would not be liable to pay compensation.

5. I further would rely on the exhibit produced by the petitioner's, to F.I.R and statement, would clearly demonstrate that the deceased and others were traveling in Goods Tata ACE bearing No.KA-01-AG-6251 as passengers to go to coolie work of sail and water resource contraction work in Ullegala village Sugudde at the time of accident. Hence there is express breach and violation of the terms and conditions of the policy. Therefore, this Respondent is not liable to indemnify the first respondent and claim petition as against this respondent is liable to be dismissed.

6 supporting to this evidence this respondent produce following documents :-

1). Policy copy.

Therefore, I humbly pray's that this Hon'ble court may kindly be pleased to dismiss the petition against the second respondent, in the interest of justice and equity.

I the deponent above named declare that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

Identified by me

Advocate
Malavalli

Date -

Place -

For Tata AIG General Insurance Co. Ltd.

Authorized Signatory

DEPONENT

Sworn to Before me

M. Mahesh Kumar

B.A., LL.B.

Advocate & Notary

Malavalli-571430

NO. OF CORRECTIONS 7006