

On S.A.

Further Examination In Chief By Advocate P. H. Kusam for the applicant:-

14. Now, discharge card of Om Hospital shown to me.

At this stage Ld. Counsel for insurer taken objection to exhibit documents stating that, the discharge card is of private hospital and can not be exhibited.

15. I have gone through the documents and found that, discharge card is original under signature and seal of Om Hospital, therefore, objection stand over ruled and the discharge card is at Exh.U-19.

16. Now, Discharge card of Shiv polyclinic shown to me, it is at Exh.U-20. Notice dtd.04/05/2019 and original postal receipt are shown to me, it bears signature of my counsel, its contents are correct. Postal receipt and legal receipt is collectively at Exh.U-23. Postal acknowledgment is at Exh.U-24. Medical bills of Om Pharma are shown to me.

17. At this stage Ld. Counsel for insurer taken objection for exhibiting documents, but considering that, the medical bills are computerized bills issued by above said hospital and their pharmacy shops, I do not found substance in the objection, hence over ruled and medical bills are at Exh.U-26.

Cross Examination By Advocate Shri.Uday Shroff for the Insurance Company:-

18. It is true to say that, in police papers, it was mentioned that, accident occurred as my vehicle dashed to back side of vehicle in my front and I was shown as accused regarding to that accident.

19. It is true to say that, I did not file any document to show that, I received salary from opponent and employed as driver with opponent. It is true to say that after accident, I got renewed my licence for two occasions. It is not true to say that, today I came in court on leave from where I am working. My brother Rehmat Ullha Khan bears expenditure and maintenance of my family. It is not true to say that, now I am physically fit and doing work of driver. It is not true to say that, I am earning more amount than previous.

20. I approached to hospital situated at Mumbai, where I was admitted for treatment for obtaining disability certificate, but that hospital denied to issue certificate in wants of time. It is not true to say that, as I received proper treatment, I do not have any disability therefore, concerned doctor denied for issuance of disability certificate. Dr. Amit Bali intimated me to approach Dr. Naresh Khanna for obtaining disability certificate. Dr. Amit Bali not given any written intimation to me. Hospital of Dr. Naresh Khanna is situated at Versova, Andheri. In month of June -2022, I approached to Dr. Naresh Khanna. I can not state exact date. It is true to say that, I did not receive any treatment from Dr. Naresh Khanna. Dr. Khanna has not asked for any new X-ray. It is not true to say that, I obtained false disability certificate from Dr. Khanna with view to get compensation. It is not true to say that, now, I am physical fit and not under any disability. I know that, for renewal of

driving licence physical fitness certificate is required.

21. I came at Mumbai by train towards Kalyan. I came to court from Kurla by Rickshaw. It is not true to say that, I am able to walk. It is true to say that, I can do day to day work for myself. It is true to say that, today I came alone. It is not true to say that, accident arising out of and during the course of employment with opposite party. It is not true to say, I was not employed as driver with the opposite party and receiving payment of Rs.10,000/- towards salary. It is not true to say that, I am not entitled for compensation from insurer. It is not true to say that, I have not spend any medical expenditure as mentioned in my affidavit and filed false medical bills.

Cross Examination is completed

Reexamination -Nil

R.O.A.C

Date:10/08/2023

pps/-

Sd/-

(P. D.More)

Commissioner for Employees Compensation
and Judge First Labour Court Mumbai.