

Witness called and duly sworn on: 27.03.2026

CROSS EXAMINATION BY: SRI. KS LEARNED COUNSEL FOR RESPONDENT NO.1:

1. I am currently aged 45 years. I am a permanent of resident of Manchegowdanakoppalu, Mysuru. I am in a rented premises. I am a native of Kerala and I have been residing at Mysuru ever since I got married. The deceased was working as a helper at a petty shop by name Chamundeshwari Stores. The deceased used to earn around Rs.20,000/- to Rs.25,000/- per month. I do not have any document in that regard. I cannot read and write in Kannada language. The averement in the petition that the deceased was the owner of a provision store is true and correct. Upon being questioned whether the deceased was a helper or the owner, witness states that he was only a helper in the petty shop.

2. I am not an eye witness to the accident. I have produced documents to show that the deceased possessed D.L. and was wearing helmet at the time of accident. It is false to suggest that I have not arrayed the driver of the car as a party to the present case. It is false to suggest that the accident occurred when the deceased without observing that the car was being driven in the reverse direction negligently dashed his vehicle against the car. It is false to suggest that the deceased was not following traffic rules and was not concentrating on the road as such his own negligence resulted in the accident.

3. As per my knowledge the owner of the car himself was driving the car at the time of accident. It is false to suggest that the accident

occurred solely due to the negligence on the part of the deceased and there was no negligence whatsoever on the part of the driver of the car and yet I have filed a false petition just to claim higher compensation. The motorcycle of the deceased was duly insured at the time of accident I have produced the same before this tribunal.

4. It is false to suggest that the accident occurred due to negligence on the part of deceased in riding his motorcycle on a non-existing road as such there was no fault on the part of driver of the car. It is false to suggest that the respondent No.1 is not personally liable to pay any compensation to me and petitioner No.2 and 3 if any awarded by this tribunal.

CROSS EXAMINATION BY: SMT. KLS LEARNED COUNSEL FOR RESPONDENT NO.2:

5. The contents of the Ex.P5 rough sketch prepared by the police are proper and correct. It is false to suggest that perusal of Ex.P5 rough sketch gives an impression that the deceased had the last opportunity to avert the accident. It is true to suggest that considering the fact that the accident occurred at around 5.30 A.M., the traffic movement would be considerably less. It is false to suggest that apprehending that if I admit the fact that even the deceased was negligent, contributory negligence will be attributed and the amount of compensation would be reduced, I have denied the suggestion that even the deceased was negligent.

6. Upon being suggested that even the driver of the Auto which was also involved in the accident should have been arrayed as a party to the present proceedings, witness states that there was no fault on his part. I have impediment to examine the driver of the Auto as a witness to the present proceedings as I am not aware of his whereabouts. It is false to suggest that apprehending that if the Auto driver is examined as a witness true facts would come to light, I am deposing that I have impediment to examine the Auto driver as a witness in this case.

7. I am aware of the contents of the Ex.P6 IMV report, the averments in the said document that the motorcycle of the deceased had sustained damages on the front side are proper and correct. It is false to suggest that since it was early hours of the day and there was less traffic movement the deceased rode the motorcycle at a high speed as such his own negligence resulted in the accident. The deceased was wearing headgear at the time of accident. I am aware that as per Ex.P7 which is the PME report of the deceased, the death was due to head injuries sustained. It is false to suggest that had the deceased been wearing headgear he would not have sustained fatal head injuries as such his death was due to his own negligence.

8. I do not have any document to substantiate my contentions regarding the avocation and income of the deceased. I am a homemaker. I have begotten only one issue i.e., the petitioner No.2 and he is pursuing II year PUC. The deceased had two siblings. It is false to suggest that the petitioner No.3 was not residing with the

deceased at the time of his death instead she was residing with her other son. I have produced document to show that the petitioner No.3 was residing with us during the lifetime of the deceased. It is false to suggest that because the petitioner No.3 was not residing with us I have not produced documents pertaining to her ID before this tribunal.

9. It is false to suggest that because the deceased was also negligent the petitioners including me are not entitled for compensation to the extent sought for by us. It is false to suggest that I have filed a false petition and have deposed false facts in support of the same just to claim higher compensation and to make unlawful gain.

RE - EXAMINATION : NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

**Prl.Judge,
Court of SC., & MACT., Mysuru**