

IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND
MACT., MYSURU.
MVC.NO. 1437/2024

Witness Name	: Mythri S.	RW.1
Husband Name	: Padmanabha H.S.	
Age	: 32 years	
Occupation	: Environment Engineer, MCC, Mysuru	
Residence	: No.3307, 21 st Cross, Vijayanagara 2 nd stage, Mysuru	

Witness called and duly sworn on: 13.01.2026

EXAMINATION IN CHIEF BY: SRI. NM LEARNED COUNSEL FOR
RESPONDENT NO.1:

Now I see the affidavit filed in lieu of my examination in chief, the same bears my signatures. The same is prepared as per my instructions and i am aware of the contents of the same. The contents of the affidavit is true to the best of my knowledge, information and belief.

Ex.R1	Authorization letter
Ex.R2	Notarized photocopy of the R.C. card pertaining to Tractor bearing No.KA-09-AA-0043 (<i>the notarized copy is marked after comparing the same with the original which is produced today and since the contents are found to be correct upon comparison</i>)
Ex.R3	Notarized photocopy of the B-register extract pertaining to Trailer bearing No.KA-09-AB-0173 (<i>the notarized copy is marked after comparing the same with the original which is produced today and since the contents are found to be correct upon comparison</i>)
Ex.R4	Copy of Insurance policy bearing No.3008/304849264/00/000, pertaining to Tractor bearing No.KA-09-AA-0043 for the period 30.08.2023 to 29.08.2024

Wherefore I pray that this Hon'ble Court be pleased to dismiss the petition as against the respondent No.1 in the interest of justice and equity.

CROSS EXAMINATION BY:SRI. NBR LEARNED ADVOCATE FOR PETITIONER:

1. I am not an eye witness to the accident but I am deposing on the basis of information given to me by the driver of the tractor. Though I have not inquired with the eye witness cited in the charge sheet however I have gone through the FIS and even the concerned police have given me relevant information.

2. It is true to suggest that the charge sheet is filed against the driver of the tractor trailer unit belonging to respondent No.1 corporation. I am aware that the driver of the tractor trailer unit belonging to respondent No.1 corporation has pleaded guilty before the jurisdictional criminal court and has paid the fine. It is false to suggest that the accident occurred due to negligence on the part of tractor trailer unit belonging to respondent No.1 corporation. Witness states that even the petitioner and one other Yashas were negligent as such even they contributed to the accident.

3. The respondent No.1 corporation has not preferred any appeal against the opinion of the I.O. in the charge sheet. It is false to suggest that inspite of being aware that the negligence was entirely on the part of driver of the tractor trailer unit belonging to respondent No.1 corporation, the respondent No.1 corporation has set up a false defense and I have come before the court to deposed false facts in support of the same just to wash off the liability of respondent No.1 corporation.

CROSS EXAMINATION BY:SRI. BGK LEARNED ADVOCATE FOR
RESPONDENT NO.2:

4. It is true to suggest that as per Ex.R3, at the time of registration of the tractor it was intimated to the RTO that the tractor would be attached to trailer bearing No.KA-09-AB-0173. Upon being suggested that the tractor was registered for the purpose of using it for commercial purpose, witness states that since the tractor would also be used for by horticulture department of respondent No.1 we use it for commercial as well as agriculture purpose. It is true to suggest that as per the RTO records the said tractor is registered for commercial use.

5. It is true to suggest that the laden weight of tractor trailer unit as per Ex.R3 is a 6150 Kgs. Upon being questioned whether the respondent No.1 has procured any permit, witness states that as per the circular of the state Govt. permit is not required for vehicles which are used for solid waste management. I have not produced the said circular or any document in support of the said assertion made by me. I have no impediment to produce the said circular or the order of the transport department exempting the vehicles used for solid waste management from procuring permit same before this court.

6. Upon being questioned whether anywhere in the police records the details of the trailer are mentioned, witness states that the temporary registration number of the trailer is mentioned in the charge sheet. I do not have information as to for what period the temporary registration number of the trailer was valid.

7. Upon being suggested that as per Ex.R3 the trailer was registered on 22.05.2024 whereas the date of accident is 12.05.2024 which suggests that the trailer was not registered as on the date of accident, witness states that the trailer had temporary registration number at the time of accident and letter correspondence was made with the RTO twice seeking permanent registration number for the trailer in question as well as other trailers which were procured along with it. I have no impediment to produce the said letter correspondence before this court.

8. It is false to suggest that at the time of accident the tractor was not attached to the registered trailer instead some other trailer was attached but in order to wash off the liability and to ensure that the liability is fixed on respondent No.2 company it was projected as if the trailer number KA-09-AB-0173 was attached to the tractor at the time of accident. It is false to suggest that the driver of the tractor trailer unit belonging to respondent No.1 corporation did not possess a valid and effective D.L. which had valid endorsement which authorized him to drive a tractor trailer unit as such the respondent No.2 company is not liable to pay any compensation.

9. It is false to suggest that at the time of accident the registered trailer was not attached to the tractor despite which the records were manipulated to suit the conditions of insurance policy and to ensure that the respondent No.1 corporation is not made liable to pay compensation. It is false to suggest that in order to keep the records in line with the insurance policy the trailer was subsequently registered.

10. I am not aware if the motorcycle hit the tractor or the trailer. It is true to suggest that as per the charge sheet the motorcycle had come in contact with the trailer. Witness states that but as per the documents given by the petitioner tractor trailer unit was involved in the accident. It is false to suggest that though the trailer which was insured with the respondent No.2 company was not involved in the accident the records were manipulated to project as if the trailer insured with respondent No.2 company was attached to the tractor to wash off the liability of respondent No.1 corporation. It is false to suggest that since the charge sheet is filed against respondent No.1 corporation the respondent No.2 company is not liable to pay compensation to the petitioner if any awarded by this tribunal. It is false to suggest that the respondent No.1 corporation has set up a false defense and I have come before the court to depose false facts in support of the same just to wash off the liability of respondent No.1 corporation.

RE-EXAMINATION: NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

Prl. Judge.

Court of SC., & MACT., Mysuru