

Witness called and duly sworn on: 15.10.2024

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

1. At the time of accident I was riding the motorcycle. Though it is true to suggest that at the time of accident I was accompanied by my friend but it is false to suggest that at the time of accident we were talking to each other. At the time of accident I was proceeding towards Gundlupete and even the offending car was proceeding towards Gundlupete. The car came from back side and went on the foot path which was on my left and thereafter hit my vehicle.

2. At the time of accident the driver of the car was driving the same at a high speed and took his car from the left side towards the right side and while doing so hit my motorcycle. Now I see the Ex.P4 the contents of the Ex.P4 rough sketch are correct, it is true to suggest that in Ex.P4, nothing about the vehicles and the directions from which they came are mentioned. It is true to suggest that the spot is situated close to a junction where four roads meet. It is true to suggest that the said road is bifurcated by a median and the same is a national highway. It is true to suggest that as per the sketch there is sufficient space for the driver of the offending vehicle to take the right turn.

3. It is false to suggest that the sketch also reveals that the driver of the car had almost taken the vehicle to the right side, witness states that his right side front wheel hit the front wheel of my motorcycle. The contents of Ex.P5 IMV report are proper and correct. It is false to suggest that very fact that the front right side bumper and bonnet of

the car and mirror of the car is damaged and the front left portion of my motorcycle is damaged goes to show that the accident occurred due to negligence on my part. Witness states that the car hit my motorcycle. It is false to suggest that apprehending that if I admit the true facts, I might not be entitled for compensation, I have intentionally denied the suggestions put to me.

4. It is false to suggest that the fact that in none of the medical records, especially the wound certificate and discharge summary, the details of the accident is not mentioned goes to show that even at the time of narrating the history to the doctors, I was aware that there was no negligence on the part of driver of the car.

5. Upon being suggested that as per the medical records produced by me I have got the implants removed in the month of August 2022 and even in the said document i.e., Ex.P10 to P12 there is nothing about the actual history of RTA, witness states that the implants were got removed as I had an infection and thereafter once again the implants were placed.

6. Except for the injuries on my fact, I had not sustained any other grievous injuries. Witness states that however I have sustained minor injuries. It is false to suggest that I have fully recovered from the injuries sustained from the accident, witness states that if I talk more, I experience swelling on the left side of my fact and I also have left eye vision problem due to damage in the nerve.

7. It is false to suggest that in none of the medical records produced by me, there is nothing to show that I had suffered damage of the nerve which is affected the vision of my left eye. Upon being questioned whether I have produced any document regarding the extent of reduction in vision, witness states that I was informed that since the nerve is damaged, the vision of my left eye has reduced and it is a permanent damage, as such even the powered glasses would not be of any avail.

8. I do not know if in none of the medical records produced by me more particularly the medical records issued between January 2022 to May 2022 there is nothing about the treatment obtained by me for my left eye vision. I have not produced any document to show that as per the advise of the doctors at the time of my discharge on 28.01.2022, I have obtained treatment for my left eye vision related issues. It is false to suggest that the assertion made by me that the vision of my left eye got affected due to injuries sustained in the accident is not supported by any medical records produced by me. I have not undergone any surgery with respect to my eye related issue. The doctors had not advised me to undergo any surgery for my left eye related issue. Apart from the photographs I have produced report to show that I had suffered nerve damage which has reduced the vision of my left eye.

9. It is false to suggest that the medical bills got exhibited by me have been created for the purpose of this case so as to claim higher compensation.

10. At the time of accident I was working as system admin. I was doing the said work independently and was not working for any specific company. It is false to suggest that due to injuries sustained in the accident, I have not suffered any disability which could affect my avocation. It is true to suggest that I have not produced any document in support of my contention regarding my income and avocation at the time of accident. Currently I am not doing any work. It is false to suggest that inspite of the fact that I am doing the very same work which I was doing prior to the accident, I have deposed falsely that currently I am not doing any work. No doctor has issued any certificate stating that I am not in a position to do the work which I was doing prior to the accident.

11. It is false to suggest that the accident occurred due actionable negligence on my part and yet I have falsely deposed that the accident occurred due to negligence on the part of driver of the car.

RE - EXAMINATION : NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-
Prl.Judge ,
Court of SC., & MACT., Mysuru