

Witness called and duly sworn on: 17.04.2025

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

1. I lost consciousness after the accident. I regained consciousness about 3 to 4 hours after undergoing surgery. The FIS was lodged by me while undergoing treatment at the hospital. The FIS was lodged by me on the date of accident itself. It is false to suggest that as per the Ex.P1 and P2 the FIS is lodged 8 days after the occurrence of the alleged accident.

2. I had no knowledge as to which vehicle caused the accident, as immediately after the accident I lost consciousness. I got the information later. I came to know that the offending vehicle was manned by respondent No.1. Witness states that to this day, I has not seen the face of the said person.

3. I was informed by some bystanders that the respondent No.1 was riding the offending motorcycle. Witness states that the general public had caught hold of the respondent No.1 after the accident. I came to know about the details of the offending vehicle about three days after the occurrence of the accident through my son. It is false to suggest that inspite of the fact that the motorcycle bearing No.KA-09-EU-5315 was not involved in the accident, my son in collusion with police officials falsely implicated respondent No.1 and the said vehicle in the case just to facilitate my claim for compensation.

4. It is false to suggest that the very fact that there is delay of 8 days goes to show that the respondent No.1 and his vehicle has been falsely implicated in this case.

5. The accident occurred on the ring road. It is true to suggest that there is a service road adjoining the spot where the accident occurred. There is a zebra crossing at the spot where I tried to cross the road. It is false to suggest that the accident occurred due to my negligence as I tried to cross the road at a spot where there was no zebra crossing.

6. I sighted the offending motorcycle when it was at a distance of about 20 feet. It is false to suggest that had I been more cautious and had I observed the on coming vehicles before crossing the road, the accident would not have occurred as such the accident occurred due to sole actionable negligence on my part.

7. It is true to suggest that the spot where the accident occurred is a busy road with heavy traffic and public movement. It is false to suggest that the very fact that the said road is busy goes to show that it is impossible to ride the motorcycle at a high speed as such the assertions made by me are false.

8. Immediately after the accident I was admitted to Bhanavi hospital, Mysuru. My entire treatment was at Bhanavi hospital. I was treated by Dr. Sri. Akash and Sri. Rakshith Biddappa. I underwent treatment as an inpatient at Bhanavi hospital for four days. The implants are still *in situ*.

9. I last consulted the doctor for follow-up treatment about 15 days back. It is false to suggest that I have produced receipts for having paid advance amount as such I am not entitled for the amount cover under the said bills.

10.I am currently aged 70 years. I am a retired official of the KSRTC department. I have retired as Junior Accountant. I am not drawing any amount as pension. I have not produced any document in support of my contention regarding my avocation at the time of accident and monthly income. I have also not produced any document regarding loss of income suffered by me due to injuries sustained in the accident.

10. It is false to suggest that I have not incurred medical expenses to the extent forthcoming from the medical bills, yet the bills have been procured to suit my claim for higher compensation. It is false to suggest that inspite of being aware that the accident occurred due to negligence on the part of petitioner himself, I have lodged a false FIS and on the basis of created document I have filed this false petition and deposed false facts in support of the same.

RE - EXAMINATION : NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

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