

Witness called and duly sworn on: 18.11.2025

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

1. I have studied upto SSLC. The PW.1 herein is my younger brother. My family consists of myself, my mother and PW.1. Immediately after the accident the PW.1 was directly taken to Govt. Hospital, Madikeri after the accident and thereafter he was taken to K.R. Hospital, Mysuru and since the doctors informed us that they could not treat the PW.1, he was taken to DRM Hospital, Mysuru.

2. I do not know as to for how many days the PW.1 underwent treatment as an inpatient at Govt. Hospital, Madikeri. I have handed over the documents pertaining to treatment obtained by PW.1 at Govt. Hospital, Madikeri to my counsel, as such I do not have any document. The PW.1 was at K.R. Hospital for one night and the very next day he was taken to DRM Hospital, Mysuru. At K.R. Hospital the X-rays and scans were not done as it was students who attended PW.1 and informed us to take the PW.1 at some other Hospital. The PW.1 was taken to K.R. Hospital, Mysuru at around 12 to 12.30 AM. Before being brought to K.R. Hospital, Mysuru the PW.1 was at our house.

3. After 3 to 4 days after being discharged from Govt. Hospital, Madikeri PW.1 was brought to K.R. Hospital, Mysuru. Witness states that the PW.1 suffered epileptic attack at home as such he was brought to K.R. Hospital, Mysuru. I do not have documents to show that the PW.1 was at K.R. Hospital, Mysuru for one night. The doctors at K.R. Hospital have not issued any referral letter. The PW.1 was

discharged from K.R. Hospital, Mysuru at around 3 AM as such he was immediately taken to DRM Hospital. I do not recollect the exact date on which the PW.1 was discharged from K.R. Hospital, Mysuru and admitted to DRM Hospital, Mysuru.

4. At DRM Hospital, Mysuru the PW.1 underwent treatment as an inpatient for 15 to 20 days. The history mentioned in Hospital records maintained by DRM Hospital is as per the facts narrated by me. It is false to suggest that as per the DRM Hospital records immediately after the accident the PW.1 was taken to CHC, Gonikoppa and from there he was taken to KIMS, Madikeri and later brought to K.R. Hospital, Mysuru and at K.R. Hospital CT Scan of the brain was done and PW.1 was advised admission despite which he was taken from the K.R. Hospital. It is false to suggest that the Ex.P14 also reveals that after getting the PW.1 discharged from the K.R. Hospital against medical advise, he was taken back home and after 15 days he was taken to DRM Hospital. It is false to suggest that despite the same I have falsely contended that the PW.1 was admitted to DRM Hospital on the very same day after he was discharged from K.R. Hospital.

5. It is true to suggest that as per Ex.P14 by the time the PW.1 was admitted to DRM Hospital the injuries had got complicated as the CT scan procured at DRM Hospital showed left frontal compound depressed fracture with abscess with cerebral edema. It is true to suggest that only after the wound got complicated and the PW.1 suffered epileptic attack he was taken to DRM Hospital. Witness states that we assumed that it was a minor injury.

6. It is false to suggest that the said assertion that I assumed that the PW.1 had suffered minor injuries is false as at K.R. Hospital itself scanning was done and it was revealed that the PW.1 had suffered a major injury. It is false to suggest that at DRM Hospital the PW.1 underwent treatment as an inpatient for a week only as by then he had recovered. Upon being suggested that as per Ex.P14 the PW.1 underwent treatment at DRM Hospital from 18.05.2022 to 25.05.2022 and yet I have falsely deposed that he underwent treatment as an inpatient for 15 to 20 days, witness states that I am deposing on the basis of what I remember.

7. At DRM Hospital the PW.1 was treated by Dr. Sri. Gowtham. It is false to suggest that as per Ex.P14 the PW.1 was treated by Dr. Sri Harsha Hulyappa. After being discharged from DRM Hospital the PW.1 is taking treatment on OPD basis only. Witness further states that only when the PW.1 gets epileptic attacks we take him to the doctor. It is false to suggest that since I have procured a false disability certificate from Dr. Sri. Gowtham , I am deposing before this tribunal that the PW.1 was treated by Dr. Sri. Gowtham.

8. It is true to suggest that the petition was instituted by PW.1 himself. I do not recollect as to when I realized that the PW.1 is not in a position to depose before this tribunal. After about one year of institution of present petition I came to know that the PW.1 might not be capable of deposing before this tribunal. Though I am aware that PW.1 had come to court but I am not aware as to whether or not he has deposed in this case, witness states that he was stuttering and did

not have clear speech. The PW.1 was taken to the doctor when he started stuttering and had difficulty to speak and he has obtained treatment the document pertaining to the same are with my counsel.

9. Upon being suggested that the PW.1 had come to court to depose on 02.06.2023, 21.06.2023 and 07.07.2023 and his chief examination was recorded on the said dates and he was normal on all the said dates, witness states that even I had accompanied him to the court on the said dates and he could not speak properly and this tribunal observed the same.

10. It is false to suggest that as we were not satisfied with the proposal given by respondent No.2 company for settlement, we falsely contended that the PW.1 had major issues. It is true to suggest that when I filed IA No.3 on 29.12.2023, I swore to the affidavit after procuring the certificate from the doctor regarding the condition of the PW.1. It is false to suggest that by the time I swore to the affidavit accompanying IA No.3 I did not have any such certificate issued by the doctor and the certificate was created subsequently to suit the averments in IA No.3 by approaching Dr. Sri. Gowtham. It is false to suggest that when a person suffers fracture of the frontal bone, the same would not result in the patient developing issues which I allege that the PW.1 has develop.

11. After being discharged from DRM Hospital I was taking PW.1 to small clinics and I have not taken to any private Hospital. I have not taken the PW.1 to speech and hearing institute for treatment. Before

the said Dr. Sri. Gowtham issued the certificate, I had not taken the PW.1 to clinical psychologist or psychiatrist. It is false to suggest that I have got procured a false certificate from Dr. Sri. Gowtham by mentioning issues which the PW.1 does not suffer from just to claim higher compensation.

12. Though the PW.1 is not bed ridden but he does not go out of the house. The PW.1 has difficulty to move around freely as he has issues with movement of his right hand and left leg. After the PW.1 underwent surgery, he lost control over his right hand and with each passing day he develop new issues. It is false to suggest that in order to cover up the lies pleaded and deposed by me I am deposing false facts before this tribunal. It is false to suggest that the PW.1 was coming to the court regularly and was in a position to depose and ever since I filed the application, the PW.1 stopped coming to the court.

13. It is false to suggest that the PW.1 does not have any such issues as deposed by me and yet I have contending false facts. It is false to suggest that the PW.1 is moving around freely and he is capable of doing all the work and yet I have intentionally kept him away from the tribunal just to claim higher compensation.

14. It is false to suggest that despite the fact that the accident occurred due to the negligence on the part of PW.1 in walking on the road under the heavy influence of alcohol, I have pleaded and deposed false facts just to suit the claim of PW.1. It is false to suggest that I have intentionally withheld the production of medical records issued

by Govt. Hospital, Madikeri apprehending that if those documents are placed before this tribunal the fact that the PW.1 was heavily intoxicated at the time of accident would come to light. It is false to suggest that the issues if any developed by PW.1 was due to his own negligence in not following the advise of the doctors and in not taking appropriate treatment after having recovered from the injuries sustained.

15. It is false to suggest that with a sole intention of claiming higher compensation I have deposed false facts inspite of being aware that the injuries sustained by the PW.1 due to his own negligence.

RE - EXAMINATION : NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

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