

Witness called and duly sworn on: 16.04.2025

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

1.The FIS was lodged by Sri. Swamygowda who is my father's friend. Witness states that even my father was present at that time. The said Sri. Swamygowda is not an eye witness to the accident. The motorcycle on which I was proceeding was manned by my friend by name Sri. Yashas. The accident was caused by tractor belonging to Mysuru City Corporation. I do not recollect the registration number of the said vehicle. I was proceeding from Sarawathipuram towards Kalamandira when the tractor came from Kalamandir side and caused the accident.

2. Immediately after the accident I was admitted to K.R. Hospital, Mysuru and thereafter I was admitted to Brindavan hospital, Mysuru. I underwent treatment as an inpatient for four days at Brindavan hospital. I was discharged from the hospital on 14.05.2024. It is false to suggest that I had only sustained only simple injuries in the accident.

3. I have completed diploma course and was intending to attend CET but could not attend the said exam due to injuries sustained in the accident. My date of birth is 14.03.2005. I am currently unemployed. Prior to the accident I was working at a computer center. I have document to show that I was working at a computer center. I have no impediment to produce the same before this court.

4. I was admitted to the hospital by an auto driver and also by my friends. I was treated by Dr. Sri. Anil Sangli. The history mentioned

in the medical records is as per the information given by me. I last consulted the doctors with regard to injuries sustained in the accident about 15 days back.

5. It is false to suggest that the said Sri. Yashas did not possess a DL and did not know to ride a motorcycle as such the accident occurred due to his negligence. I have not undergone any surgery for the injuries sustained in the accident. Upon being suggested whether the doctors have issued a certificate asking me not to do any work, witness states that I was advised to take rest.

6. The accident occurred near the petrol bunk situated close to Kalamandir junction, Mysuru. It is false to suggest that the accident occurred when the said Sri. Yashas tried to jump the signal and for the said purpose rode his vehicle rashly, negligently and at a high speed.

7. The rear left side tyre of the tractor came in contact with our motorcycle. I am not aware if the trailer was not duly registered and the tractor was being plied without valid FC. It is false to suggest that the respondent No.2 company is not liable to pay compensation to me if any awarded by this tribunal as the policy conditions have been violated.

8. It is false to suggest that neither me nor the said Sri. Yashas were wearing helmets at the time of accident. It is false to suggest that the very fact that I had sustained injuries on my head goes to show that I was not wearing headgear at the time of accident, witness states that

the helmet which I was wearing had broken into pieces due to impact.

9. I had no impediment to implead the owner and insurer of the motorcycle on which I was proceeding at the time of accident as a party to this petition. 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.

10. It is false to suggest that inspite of being aware that the accident occurred due to negligence on the part of rider of the motorcycle on which I was proceeding, I have got 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.

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

11. It is false to suggest that I am not aware as to how the accident occurred as I was seated as a pillion rider. It is false to suggest that when the driver had parked the tractor – trailer unit for the purpose of loading the waste, the rider of the motorcycle on which I was proceeding as a pillion rider went there at a high speed and dashed against the back left wheel of the tractor and caused the accident. It is false to suggest that there was no negligence on the part of driver of the tractor instead the entire negligence is on the part of rider of the motorcycle on which I was proceeding as a pillion rider.

12. It is false to suggest that as per the wound certificate issued by

doctors at K.R. hospital, I had sustained simple injuries, witness states that I had sustained injuries but proper treatment was not given at K.R. hospital as such I was admitted to Brindavan hospital. The doctors at K.R. Hospital have not issued any referral letter. It is true to suggest that I underwent treatment as an inpatient at Brindavan hospital for two days only.

13. It is false to suggest that in none of the medical bills and prescriptions the signatures of the doctor are found. I do not recollect the name of the computer center in which I was working. I have certificates to show that I had completed certain computer courses on the basis of which I was training others.

14. Upon being suggested whether I have any impediment to produce the document to show that I was being paid Rs.20,000/- per month, witness states that the salary was being paid in cash and I have no impediment to produce document in that regard. I have no impediment to produce the extract of the relevant registers in that regard before this court.

15. Since I used to experience recurring pain on the head I used to consult doctors. I have no impediment to produce documents pertaining to my OPD visits. It is false to suggest that I am not entitled for any compensation as claimed by me.

RE - EXAMINATION : NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

Prl.Judge ,

Court of SC., & MACT., Mysuru

