

*Witness called and duly sworn on: 09.04.2026*

**CROSS EXAMINATION BY: SRI. KSR LEARNED ADVOCATE FOR PETITIONER:**

1. I have gone through the police records pertaining to the accident leading to the present case. It is true to suggest that as per the records the accident occurred on Hassan – Mysuru main road. It is true to suggest that the said road is 33 feet wide. It is true to suggest that the point of impact is shown to be situated at a distance of about 4 feet from left edge of the road and when a person is proceeding from Mysuru to Hassan. It is true to suggest that as per the records 2 motorcycles were involved in the accident. It is true to suggest that as per the records the rider of the motorcycle bearing No.KA-45-EC-9449 was proceeding from Hassan towards Mysuru and had transgressed into right lane instead of proceeding on the left lane.

2. It is true to suggest that the K.R. Nagar police have filed the charge sheet against rider of the motorcycle bearing No.KA-45-EC-9449. Though the respondent No.2 company has not got the matter internally investigated but it has collected the necessary document pertaining to the claim. The official of Respondent No.2 company has not gone to the house of the accused Sri. Abhi @ Abhishek to collect documents.

3. It is false to suggest that in respect of the present claim the Respondent No.2 company had deputed an Advocate for the purpose of internal investigation. Upon being suggested that one Sri. Gururaj K.S. who is an Advocate was deputed as investigator in respect of the

present claim, witness states that he was not deputed as an investigator instead he was requested to procure the documents through RTI. The said Sri. Gururaj K.S. Advocate would be deputed as investigator by the company in other cases but he was not deputed as investigator in respect of the present claim.

4. It is true to suggest that generally officials deputed as investigator would be given instruction by the investigation team as to how the investigation should be conducted. The Respondent No.2 company had no impediment to send an official to go to the house of said Sri. Abhishek and collect the documents. It is true to suggest that even the said Sri. Abhishek demised due to injuries sustained in the accident.

5. The Respondent No.2 company is contending that the said Sri. Abhishek did not possess D.L. on the basis of the endorsement issued by RTO as well as on the basis of the fact that despite issuing notice through court the said document was not produced. I am aware that as per the MV act D.L. can be procured from any RTO across India. It is true to suggest that the Respondent No.2 company has sought the details of D.L. of the said Sri. Abhishek from RTO, Hunsur only. It is true to suggest that the RTO has issued the endorsement stating that if the D.L. number is furnished the D.L. extract would be issued.

6. The respondent No.1 herein is the registered owner of the motorcycle bearing No.KA-45-EC-9449. The Respondent No.2 company has not inquired with the respondent No.1 regarding whether or not the said Sri. Abhishek possessed a D.L. at the time of

accident. It is true to suggest that Respondent No.2 company would have issued notice to respondent No.1 seeking the necessary details as respondent No.1 is the insured.

7. Though it is true to suggest that the I.O. has not invoked the relevant provisions against said Sri. Abhishek or the respondent No.1 for having driven and allowed to ride motorcycle without D.L., witness states that but the I.O. has intentionally not invoked the relevant provisions. The Respondent No.2 company has not approached the I.O. with written requisition for having not invoked relevant provisions of MV act against rider and owner.

8. It is false to suggest that the Respondent No.2 company has set up a false defense without cross verifying whether the said Sri. Abhishek possessed a D.L. or not just to wash off its liability and I have come before the court to depose false facts in support of the same. It is false to suggest that I have deposed false facts just to support the defense of the Respondent No.2 company so as to wash off its liability.

**RE-EXAMINATION: NIL**

**(Typed to my dictation in the open court)**

**R.O.I. & A.C.**

Sd/-

Prl. Judge.

Court of SC., & MACT., Mysuru