

Witness called and duly sworn on: 28.01.2026

CROSS EXAMINATION BY: SRI. KSR LEARNED COUNSEL FOR PETITIONER:

1. I have gone through the police records pertaining to criminal case. It is true to suggest that as per the records the spot is situated on the left side of the Mysuru Manandavadi road. Upon being suggested that as per the charge sheet, the I.O. has clearly opined that the accident occurred due to negligence on the part of driver of the car, witness states that though the said suggestion is true but in the charge sheet it is also mentioned that the accident occurred when the motorcycle dashed against the car from the rear side as such the company is contending that even the rider of the motorcycle was negligent.

2. Upon being suggested that because the driver of the car applied sudden break, the accident was inevitable, witness states that had the rider of the motorcycle maintained safe distance he could have averted the accident. The driver of the car has not given any statement in writing to the respondent No.2 company alleging that there was no negligence on his part. Upon being questioned whether the Respondent No.2 company disputes the contents of the charge sheet, witness states that to the extent of mentioning that the negligence was entirely on the part of driver of the car the Respondent No.2 company is disputing the contents of the charge sheet. The Respondent No.2 company has not challenged the contents of the charge sheet or the opinion of the I.O. as it is not a direct party to the criminal proceedings.

3. I am not aware if the driver of the car has pleaded guilty and has paid fine before the jurisdictional criminal court. It is false to suggest that despite the fact that the accident occurred due to sole actionable negligence on the part of the driver of the car the respondent No.2 company has set up a false defense to wash off its liability. It is false to suggest that as the accident occurred due to sole actionable negligence on the part of the driver of the car which was insured with respondent No.2 company, the Respondent No.2 company is liable to pay the compensation to the extent claimed by the petitioners.

RE-EXAMINATION: NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

Prl. Judge.

Court of SC., & MACT., Mysuru