

Witness called and duly sworn on: 17.04.2025

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

1. At the time of accident one Sri. Yogesh was driving the car. The said car is registered in my mother's name. Her name is P.D. Suma. I have produced the copy of the insurance policy pertaining to my vehicle as well as RC card pertaining to my vehicle. Now I see the document confronted to me, witness is confronted with the photocopy of the policy bearing No. 423302/31/2023/8175 pertaining to car bearing No.KA-13-P-3857 which was in force from 28.02.2023 to 27.02.2024. Witness looks into the document and admits that the policy pertains to the car in which he was traveling at the time of accident, as such the said document is marked as Ex.R1. It is true to suggest that Ex.R1 is a comprehensive policy.

2. It is false to suggest that I have claimed own damage under Ex.R1 policy from the insurer of the car. Witness states that I have not made any claim with respect to the accident till date except for the present case. It is false to suggest that because I have claimed the own damage under the said policy, I have arrayed the insurer of the car as a party in the present proceeding.

3. The accident occurred on 01.05.2023. The FIS was lodged on 01.05.2023. It is false to suggest that the FIS is lodged after two days of occurrence of the accident. I have lodged the FIS and I had personally gone to the police station. It is true to suggest that as per Ex.P2 the FIS was submitted on 03.05.2023, witness states that I had submitted the FIS 01.05.2023 itself, but the SHO did not register the same as the

presence of respondent No.1 was awaited. It is false to suggest that since the document produced by me does not support my assertion, the assertions made by me are false.

4. It is false to suggest that I was not traveling in the said car at the time of accident and yet I had falsely claimed that I am an eyewitness to the accident, witness states that my entire family was traveling in that car at the time of accident.

5. The accident was caused by Mini bus bearing No.KA-19-AC-0494. It is false to suggest that the very fact that FIS is lodged after two days of occurrence of the alleged accident goes to show that the said mini bus was falsely implicated to maintain this claim petition. It is false to suggest that I have intentionally withheld the production of seizure panchanama before this tribunal.

6. It is false to suggest that though the petitioner is in a position to depose before the court she has been intentionally kept away from the court apprehending that if she deposes before the court, true facts that only she was traveling in the car at the time of accident would come to light. Witness states that because of her advanced age, she is not in a position to depose before the court.

7. It is false to suggest that since the driver of the car did not possess a DL, the said document is not placed before this tribunal. It is false to suggest that at the time of accident the petitioner herself was driving the car and yet a driver is falsely implicated so as to maintain this claim petition.

8. It is false to suggest that the accident was head on collision, witness states that the offending vehicle came from rear side and dashed against our vehicle. It is false to suggest that the petitioner sustained the injuries while taking the car in the reverse direction and the mini bus was not involved in the accident.

9. I have produced documents in support of my claim under various heads sought for in the petition. It is false to suggest that documents produced by me have been created for the purpose of this case. It is false to suggest that the Ex.P5 is a created document and the same is not the bill pertaining to expenses incurred by me towards repair of the vehicle.

10. It is true to suggest that the Ex.P6 does not mention about the destination as such the same is created for the purpose of this case. It is false to suggest that I have not incurred expenses to the extent forthcoming from the 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 driver of the car, 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.

11. I have no impediment to examine the driver of the hired car who has issued Ex.P6 nor do I have any impediment examine the mechanic or the official of the service center where the vehicle was got repaired by me. It is false to suggest that since the claim petition is a false one, the respondent No.3 company is not liable to pay any

compensation.

RE - EXAMINATION : NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

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