

Witness called and duly sworn on: 18.06.2025

CROSS EXAMINATION BY: SMT. KLS LEARNED COUNSEL FOR RESPONDENT NO.2:

1. It is true to suggest that I was traveling in the goods vehicle at the time of accident. I am not aware if the driver of the goods vehicle possessed a DL at the time of accident or not. I knew the driver of the goods vehicle from about three years prior to the accident. I used to occasionally travel in the said goods vehicle.

2. The informant by name Sri. Chandregowda is my father and he is not an eye witness to the accident. My father was informed about the accident by some bystanders. I have studied upto I PUC. There is seating facility for one person other than the driver in the Mahindra Bolero goods vehicle.

3. At the time of accident I was accompanied by the driver of the goods vehicle. I am aware that a person cannot travel as a passenger in a goods vehicle, witness states that at the time of accident the goods vehicle had load of green chillies which I was transporting for the purpose of selling it in the market. I have no document with me to support my contention that I was taking load of green chillies in the goods vehicle at the time of accident.

4. It is false to suggest that in none of the police records, it is mentioned that at the time of accident the vehicle had load of green chillies grown by us and I was taking the same to the market for the purpose of selling it. It is false to suggest that at the time of accident nothing was there in the goods vehicle and yet I have deposed falsely that the Bolero vehicle had load of green chillies. It is false to suggest

that the very fact that in none of the policy records, there is any mention regarding the fact that there was load of green chilly in the Bolero vehicle goes to show that there was no such green chilly load otherwise it would have been specified by the police either in spot panchanama, rough sketch, seizure panchanama or charge sheet.

5. It is false to suggest that as per the medical record, I have not mentioned anything regarding the load of green chilly in the history narrated by me before the doctors and the same is clear from the perusal of discharge summary and wound certificate. It is false to suggest that as the medical expenses went high, I in collusion with my father got lodged a false FIS after five days of occurrence of the accident by falsely alleging that the accident occurred when I was taking the load of green chilly to the market.

6. I have no impediment to produce documents regarding the agricultural land owned by my family and also that we were cultivating the same. It is false to suggest that with a sole intention of maintaining this claim petition, my father has lodged a false FIS alleging that that the accident occurred when I was taking the load of green chilly to the market.

7. It is true to suggest that at the time of accident I was minor. It is false to suggest that the very fact that I was a minor goes to show that I could not have traveled with the goods at the time of accident. Witness states that I was going as my father is an illiterate and some body who is literate was needed to calculate and be present while weighing the goods.

8. It is false to suggest that as I was traveling as a passenger in the goods vehicle, the respondent No.2 company is not liable to pay compensation to me. Witness states that I was going to sell the green chilly and was not traveling as a passenger.

9. The accident occurred on a main road. The accident occurred when the driver tried to avoid collision with a person who came to the road suddenly and while trying to avoid collision the driver dashed his vehicle against the tree. It is false to suggest that the driver of the goods vehicle was not negligent instead the negligence was entirely on the part of the pedestrian, witness states that the driver drive the vehicle at a high speed.

10. I have not deposed in the criminal case arising out of the accident. I am not aware as to what is the status of the criminal case registered against the driver of the Bolero. I had warned the driver against high speed driving before the accident.

11. It is false to suggest that had I not traveled as a passenger in the goods vehicle, I would not have sustained injuries as such my own negligence resulted in the accident. I have not fully recovered from the injuries sustained in the accident as I am experiencing recurring headache. It is true to suggest that I could comprehend the questions posed to me during cross examination and I have answered the same through my own memory.

12. It is false to suggest that I have falsely averred my petition and my affidavit that I have recurring headache, giddiness and loss of

memory and also difficulty to move my neck and other issues just to support my claim for higher compensation.

13. At the time of accident I was pursuing my studies and I discontinued my studies after the accident. I could not attend my final exams. It is false to suggest that since I was allegedly pursuing my studies at the time of accident my assertions that I was doing agricultural work and coolie working and was earning Rs.15,000/- per month are all false.

14. I am the only male issue to my parents. Now the land is left barren and nobody is cultivating it. It is false to suggest that despite the fact that I have recovered from the injuries and I am in a position to do all the work which I was doing prior to the accident, I have deposited false facts just to claim higher compensation.

15. It is false to suggest that since even my negligence contributed to the accident, I am not entitled for any compensation. It is false to suggest that since my claims are not covered under the policy issued by respondent No.2 company, I am not entitled for 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