

Witness called and duly sworn on: 08.04.2026

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

1. I have gone through the police records pertaining to the criminal case arising out of the accident leading to the present case. The Respondent No.2 company has issued notice to owner and driver of the Goods vehicle. I have no impediment to produce the copy of the same before this court.

2. It is true to suggest that the vehicle insured with Respondent No.2 company is a Goods vehicle. It is true to suggest that the Respondent No.2 company had issued package policy in respect of the said vehicle. Upon being suggested that as per the RC card in the said vehicle apart from the driver one other person could also travel, witness states that but the policy covered the claims of only one person. Witness further states that even as per the RC the seating capacity of the said vehicle is only one.

3. Upon being suggested that even as per the records, the petitioner was proceeding along with vegetable load, witness states that the records only mentioned that there was vegetable load in the vehicle and the petitioner was proceeding in the vehicle no where it is mentioned that the petitioner was proceeding in his capacity of the owner of the vegetable load.

4. It is false to suggest that since the petitioner was proceeding in his capacity as the owner of the vegetables which were loaded in the vehicle as such he cannot be considered as a gratuitous passenger. It

is false to suggest that inspite of being aware that the petitioner was proceeding in his capacity as owner of goods, the Respondent No.2 company has set up a false defense just to wash off its liability and I have come before the court to depose false facts in support of the same.

RE-EXAMINATION: NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

Prl. Judge.

Court of SC., & MACT., Mysuru