

Witness called and duly sworn on: 28.07.2025

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

1. The informant is my wife and she was informed as to how the accident occurred by the bystanders. I was proceeding on a gearless scooter at the time of accident. The accident occurred on a state highway. The offending vehicle came from the opposite direction. Even before I could sight the vehicle, the offending vehicle dashed against my scooter.

2. It is true to suggest that the said road is a straight road and vehicles which are coming from the opposite direction can be sighted from a distance of about 500 meters as well. The accident occurred when the driver of the offending goods vehicle tried to avoid pothole and while doing so moved his vehicle to the right instead of proceeding on the left lane during the course of which he dashed the vehicle against my scooter.

3. It is false to suggest that the rough sketch reveals that there was 5 feet space available to my left from the point of impact which points to the fact that I could have avoided the collision had I been more cautious as I had the last opportunity to avoid the accident. It is false to suggest that as I was aware that the accident occurred due to my own negligence, while narrating the history before the doctors I have not specified the details of the offending vehicle.

4. Upon being suggested that I could have obtained the treatment at ESI Hospital , witness states that I am not labourer as such I cannot avail treatment at ESI Hospital instead I should take treatment at some

other hospital and not in ESI hospital. There is a rule that the employees of ESI department have to avail treatment from designated hospitals which have tie up with ESI department. I did not obtain treatment at JSS Hospital under any Govt. Scheme.

5. It is false to suggest that had I taken treatment in the Hospital which have tie up with ESI department I would have incurred lesser expenses towards medication. Upon being questioned whether I obtained treatment at JSS Hospital at discounted rates, witness states that I did not get any such discount towards medical expenses.

6. Upon being suggested that I could have sought reimbursement of medical expenses through my department by submitting necessary applications and documents. Witness states that in MLC cases the medical expenses are not reimbursed instead they direct us to approach the court. I have no impediment to produce the said circular / notification before this tribunal. It is false to suggest that there is no such rule that expenses incurred in MLC cases cannot be reimbursed by the department. It is false to suggest that if the bills are genuine the department would reimburse the same.

7. It is false to suggest that I have not incurred medical expenses to the extent forthcoming from the medical bills, yet the bills have been procured to suit my claim for higher compensation. It is false to suggest that I have not produced prescriptions corresponding to the bills produced by me which goes to show that the bills are created for the purpose of this case.

8. I last consulted the doctors for treatment with regard to injury sustained in the accident, last week. It is false to suggest that as more

than two years have elapsed since I sustained the alleged injuries, I have recovered completely now as such I need not consult the doctors frequently and yet I have deposed false facts just to claim higher compensation.

9. At the time of discharge I had no complications and was stable. Witness states that but I had pain and had not recovered fully. At the time of accident I was residing at Mysuru but as there was nobody to take care of me at Mysuru I had to go to T.Narasipura. It is false to suggest that I have not incurred expenses to the extent forthcoming from the bills towards travel, yet the bills have been procured to suit my claim for higher compensation.

10. I have produced OPD slip to show that I had consulted doctors on the dates forthcoming from the travel bills. It is false to suggest that I have not produced any such OPD slips before this tribunal. It is false to suggest that even the bills produced by me for having purchased fuel are created for the purpose of this case. It is false to suggest that though I did not travel to Mysuru on the dates mentioned in the petrol bills, I have got created the same just to claim higher compensation.

11. It is true to suggest that even to this day I am working in the ESI department. It is true to suggest that I was working with ESI department even prior to the accident. It is true to suggest that Ex.P18 to P20 and Ex.P10 to P12 are the payslips pertaining to me for the month of June 2023 to August 2023. It is true to suggest that as per Ex.P13 I have aware earned leave from 11.10.2023 to 09.11.2023 and I have availed commuted leave (ಪರಿವರ್ತಿತ ರಜೆ) from 22.08.2023 to 10.11.2023, 20.11.2023 to 22.11.2023, 01.12.2023 to 31.12.2023,

01.01.2024 to 31.04.2024 and 01.02.2024 to 14.02.2024. It is true to suggest that the commuted leaves cannot be surrendered and encashed. It is true to suggest that during the period I was on commuted leave I was paid salary. It is true to suggest that in our department, we can surrender only 15 days of earned leave in 2 years and get the same encashed.

12. I have not received any memo from my department mentioning that after the accident my efficiency has reduced. It is true to suggest that the promotions are granted on the basis of length of service. I have got increment in a month of January 2024 along side other employees. It is true to suggest that due to injuries sustained in the accident I have not suffered any loss of increment or promotions. It is true to suggest that I have not suffered any reduction in my salary due to injuries sustained in the accident.

13. It is false to suggest that though I have recovered fully I have falsely alleged that I have infirmities and difficulties due to injuries sustained in the accident just to claim higher compensation. It is false to suggest that as I had the last opportunity to avoid the accident, I am not entitled for compensation to the extent sought as even I have contributed to the accident. It is false to suggest that I have deposed false facts on the basis of created and concocted documents just to claim higher 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

