

IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND
MACT., MYSURU.
MVC.No. 2255 / 2023

Witness Name	: Madhumathi Hegde	RW.1
Husband Name	: B. Ramu	
Age	: 42 years	
Occupation	: Branch Manager, Litigation, HDFC ERGO, General Insurance Co., Ltd.,Mysuru	
Residence	: Mysuru	

Witness called and duly sworn on: 08.04.2026

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

Now I see the affidavit filed in lieu of my examination in chief, the same bears my signatures. The same is prepared as per my instructions and I am aware of the contents of the same. The contents of the affidavit is true to the best of my knowledge, information and belief.

Ex.R1	Copy of Insurance policy bearing No. 2315205245209100000 pertaining to vehicle bearing No. KA-09-D-0796 for the period 16.02.2023 to 15.02.2024
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Wherefore I pray that this Hon'ble Court be pleased to dismiss the petition as against respondent No.2 company in the interest of justice and equity.

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

1. Though It is true to suggest that the vehicle bearing No.KA-09-D-0796 was insured with Respondent No.2 company as on the date of accident but the policy was issued under the terms and conditions. I am not aware if the

driver of the vehicle bearing No.KA-09-D-0796 possessed LLR at the time of accident.

2. I am not aware if the respondent No.1 had applied for LLR from RTO, Mysuru west on 12.05.2023. I am also not aware if the RTO Mysuru west had issued LLR in favour of respondent No.1 on 18.05.2023. I am not aware if the LLR was valid till 17.11.2023. Upon being suggested that because the respondent No.1 possessed LLR at the time of accident the Respondent No.2 company is liable to pay compensation to the petitioner if any awarded by the tribunal, witness states that the fact that the respondent No.1 allegedly possessed LLR was not intimated to the insurance company and even in case the respondent No.1 possessed LLR the respondent No.2 company would still not be liable to pay compensation to the petitioner.

3. Upon being suggested that since the respondent No.1 was into the business of collecting milk from nearby villages and supplying the same to Milk Dairy at Hosakote as such at the time of accident he was accompanied by a person holding D.L. and the same is specifically mentioned in the same of the statement given by the respondent No.1 before the I.O. witness states that the said contentions are false and no such documents are placed before this tribunal.

4. It is false to suggest that since the respondent No.1 possessed LLR and was accompanied by person holding valid D.L. the respondent No.2 company is liable to pay compensation to petitioner if any awarded by this tribunal.

5. It is false to suggest that though the Respondent No.2 company has contended that the petitioner has continued his avocation even after the

accident as such he has not suffered disability but infact the petitioner has not got his increment and had suffered monetary losses due to injuries sustained in the accident. It is false to suggest that though the petitioner has suffered disability, the Respondent No.2 company has falsely contended that the petitioner has not suffered any functional disability just to wash off its liability to pay compensation to the petitioner.

6. Upon being suggested that since the accident occurred due to negligence on the part of respondent No.1 and as the vehicle was insured with Respondent No.2 company at the time of accident, the Respondents are jointly and severally liable to pay compensation to the petitioner, witness states that but there is violation of policy condition as such Respondent No.2 company is not liable to indemnify the respondent No.1 in paying compensation to the petitioner. It is false to suggest that since all the documents pertaining to vehicle bearing No.KA-09-D-0796 are in order the Respondent No.2 company is liable to pay compensation to the petitioner and yet it has taken up false contentions just to wash off its liability. I have come before the court to depose false petition.

RE-EXAMINATION: NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

Prl. Judge.

Court of SC., & MACT., Mysuru