

*Witness called and duly sworn on: 23.01.2026*

**FURTHER EXAMINATION IN CHIEF BY: SRI. MKS LEARNED COUNSEL FOR PETITIONERS:**

Wherefore I pray that this Hon'ble Court be pleased to award compensation as prayed for.

**CROSS EXAMINATION BY: SRI. NBR LEARNED COUNSEL FOR RESPONDENT NO.1:**

*Learned counsel for respondent No.1 seeks time however as respondent No.1 has not filed objection to main petition, hence cross examination of PW. 1 by respondent No.1 is taken as nil.*

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

1. I am not an eye witness to the accident. The FIS was lodged by my father i.e. petitioner No.1. Even the informant / petitioner No.1 is not an eye witness to the accident. The deceased Sri. Mahadevaprasad was my younger brother. At the time of accident the motorcycle was being ridden by the deceased. At the time of accident the deceased was accompanied by a pillion rider. The pillion rider had sustained only simple injuries.

2. The pillion rider by name Sri. Chethan informed my father about the accident through phone. I have visited the spot. The same is situated on a main road. The said road leads from Taluru to Jaipura. It is true to suggest that just before the spot there is a junction where 4 road meets. The motorcycle on which the deceased was proceeding

was coming from TVS factory side. It is false to suggest that since there is a slight curve near the spot, the deceased could not have sighted the vehicles plying from the opposite direction as his view would be obstructed. It is true to suggest that as per the Ex.P5 rough sketch the said road takes a slight curve near the spot and the said averment is proper and correct.

3. It is true to suggest that as per the Ex.P6 IMV report both the vehicles have sustained major damages on the front portion. I have not produced any document to show that the deceased possessed a valid and subsisting D.L. at the time of accident.

4. I am aware of the contents of the PME report. It is false to suggest that as per the PME report the deceased was under the influence of alcohol at the time of accident and the alcohol content in the blood of the deceased was 47.6 +/- 0.011 mg per 100 ml of blood which is much above the permissible limit. It is false to suggest that at the time of accident the deceased was under the influence of alcohol and he did not possess a D.L. as such the accident occurred due to his own negligence in riding motorcycle under the influence of alcohol and without a D.L.

5. It is false to suggest that I exerting my influence as an official of the police department ensured that no charges are invoked against the deceased despite the fact that he was under the influence of alcohol and did not possess a D.L. It is false to suggest that I have got created the police records to suit my claim. It is true to suggest that even the rider of the offending motorcycle had sustained injuries in the accident.

6. Immediately after the accident the deceased was admitted to K.R. Hospital, Mysuru. I am not aware if even the rider of the motorcycle bearing No.KA-10-EB-9585 was admitted to K.R. Hospital, Mysuru as he had sustained injuries in the very same accident. I am not aware if in the history given to the doctors by said Sri. Keerthi i.e. the rider of motorcycle bearing No.KA-10-EB-9585 had informed the doctors that another motorcycle had dashed against his motorcycle. It is false to suggest that the negligence was not entirely on the part of rider of the motorcycle bearing No.KA-10-EB-9585 instead even the deceased had contributed to the accident due to his own negligence.

7. The petitioner No.1 is an agriculturist and he is managing the affairs of the family. I joined the police department about 5 years back. I have not produced any document regarding the avocation and income of the deceased prior to the accident. It is false to suggest that I have made a false assertions regarding income and avocation of the deceased despite the fact that he was neither drawing salary of Rs.50,000/- as an employee at TVS factory nor was he getting Rs.40,000/- as income through milk business. The petitioner No.4 has completed her studies and is preparing for competitive exams. It is false to suggest that none of the petitioners were dependent on the deceased for our livelihood. It is false to suggest that in order to claim higher compensation I have falsely asserted that all the petitioners including me were dependent on the income of the deceased for our livelihood.

8. It is false to suggest that since the accident occurred due to contributory negligence on the part of the deceased and since none of

the petitioners were dependent on the deceased the petitioners are not entitled for any compensation. It is false to suggest that I have deposed false facts in support of the false petition filed by me and other petitioners to make unlawful gain at the expense of the respondent No.2 company.

**RE-EXAMINATION: NIL**

**(Typed to my dictation in the open court)**

**R.O.I. & A.C.**

Sd/-

Prl. Judge,

Court of SC., & MACT., Mysuru.