

Witness called and duly sworn on: 07.01.2026

CROSS EXAMINATION BY: SRI. JSK LEARNED COUNSEL FOR RESPONDENT NO.2:

1. I boarded the Ashoka Leyland Goods Lorry at around 6 PM. I am a resident of H.D.Kote. The accident occurred at a distance of about 7 to 8 KM from Gonikoppa where I boarded the Lorry. The said Lorry did not have any goods in it while returning from Gonikoppa. I was seated in the front side i.e. next to the driver seat. The seat next to the driver seat could accommodate 3 persons as it had 3 seats, next to the gear box also there was a seat. It is false to suggest that the said vehicle had only 2 seats in the front i.e., driver seat and 1 extra seat and yet I have deposed false facts.

2. I had been working as loader in the said lorry from about 4 years prior to the accident. The said lorry had gone to Gonikoppa even on the day prior to the accident. The said lorry used to commute between Gonikoppa and Mysuru on daily basis ever since I started working as a labor. I do not have any document to show that I was working as a loader in the said lorry. I do not have any document to show that I was being paid Rs.700/- per day as salary. Witness states that the salary was being paid in cash. The salary was being paid by respondent No.1 at her office. The respondent No.1 was not taking any signatures from me on any register for having paid the wage.

3. Though I am aware that the respondent No.1 is a resident of Mysuru I do not know the exact area where she resides. The lorry used to come to the office of respondent No.1 at H.D.Kote on daily

basis. I used to board the lorry at H.D.Kote and go in the lorry to Gonikoppa regularly. It is false to suggest that I have deposed falsely that the respondent No.1 has an office at H.D.Kote. It is false to suggest that on the date of accident I was supposed to come to Mysuru from Gonikoppa but as I could not board a bus, I boarded the lorry as a gratuitous passenger so as to reach Mysuru and yet I have deposed falsely that I was commuting in my capacity as a loader.

4. I know the driver of the said lorry personally. Immediately after the accident I was admitted to DRM Hospital, Mysuru. I was brought to the Hospital alone in an Ambulance and I was not accompanied by any other person. The FIS was lodged by my brother Sri. Manjunath. I underwent treatment as an inpatient for 5 days. Except for the documents already got exhibited by me, I have no other medical records available with me. The doctor has not issued any disability certificate however he has given a report in writing that I might not be able to use my hand in the manner which I was using prior to the accident. Since I consulted the doctors complaining of pain, he gave the said report. The said report was given after about a week of occurrence of the accident. I have produced the said document before this tribunal.

5. The PW.2 is known to me as he is my neighbor. Even the PW.2 was working with me and we joined for work together. It is false to suggest that I have not suffered disability due to injuries sustained in the accident and yet I have deposed false facts just to claim higher compensation. It is false to suggest that I am in a position to do all the

work which I was doing prior to the accident and hence I am not entitled for any compensation. It is false to suggest that just to maintain this claim petition, I have got mentioned in the Hospital records that I was proceeding in the lorry in my capacity as a loader despite the fact that I was a gratuitous passenger.

6. I used to get weekly off on Sundays. It is false to suggest that though I was not working as a loader in the lorry bearing No.KA-09-B-7817 I have deposed false facts just to claim higher compensation. It is false to suggest that as I was a gratuitous passenger, the respondent No.2 company is not liable to pay compensation to me. I am not aware if the respondent No.1 has not paid premium to cover the claims of loaders.

RE - EXAMINATION : NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-
Prl.Judge ,
Court of SC., & MACT., Mysuru