

Witness called and duly sworn on: 22.07.2025

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

1. I have filed the petition in my capacity as the wife of Late Sri. Manjunatha.S. I am deposing on behalf of other petitioners as well. I have produced Adhar Cards to prove my relationship with the deceased. Upon being suggested that as per the Ex.P.13 the date of birth of the deceased 11.06.1983 witness states that the date of birth mentioned therein is wrong. Witness states that the deceased was aged 36 years at the time of his death. I do not have any document to show that the deceased was aged 36 years at the time of his death.

2. I have produced documents in support of my contention regarding avocation and income of the deceased. I have no impediment to examine witnesses to show that the said assertions regarding avocation and income of the deceased are true. I do not any document to substantiate my assertions regarding income of the the deceased. It is false to suggest that the document pertaining to avocation of the deceased have been created just to claim higher compensation.

3. I am not an eye witness to the accident, instead was informed about the same by Sri. Mohan Kumar who was the friend of the deceased. I was informed that the accident occurred near Manipal Hospital at 5.30 PM on 13.09.2024. I was informed that the accident was caused by Tipper Lorry bearing No. KA-09-B-6490 when my husband was proceeding on the motorcycle bearing No. KA-09-EK-8619 by riding the same. At the time of accident the deceased was return from factory to our house. The motorcycle on which deceased was

proceeding belonged to him. My husband had sustained injuries on his head due to which he had profused bleeding and he died at the spot. The deceased was taken to K.R.Hospital from the spot. Since my husband died at the spot, we could not provide him with any treatment. It is true to suggest that we have not incurred any amount towards medical expenses of the deceased.

4. It is false to suggest that despite the fact that driver of the lorry signaled the deceased to move to the left, the deceased did not respond as such the accident occurred due to negligence on the part of deceased himself. It is false to suggest that the deceased contributed to the accident to an extent of 50% as such 50% of the compensation amount needs to be deducted from the final compensation amount.

5. The vehicle involved in the accident is the tipper lorry which is an HGV. I do not know the names of the driver and owner of the offending tipper lorry. I do not know if the driver of the offending lorry possessed a DL which authorized him to drive a tipper lorry or not. I also do not know if the owner of the lorry in his reply to the notice issued by the I.O. U/S 133 of MV Act had specifically admitted that the person who was driving the lorry at the time of accident did not possess DL which authorized him to drive a tipper lorry. I do not know if the I.O. has invoked provisions under MV Act against owner and driver of the tipper lorry for having driven and for having allowed an unauthorized person to drive the tipper lorry respectively. I do not know if the driver of the lorry was under the

influence of alcohol at the time of accident. It is false to suggest that I have file this petition on the basis of created and concocted documents just to make unlawful gain at the expenses 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