

**IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND  
MACT., MYSURU.**

**MVC.NO. 2563/2024**

<b>Witness Name</b>	: Jayatheertha H.G.	<b>RW.2</b>
<b>Father Name</b>	: Laste Gururaja Rao H	
<b>Age</b>	: 51 years	
<b>Occupation</b>	: Administrative officer	
<b>Residence</b>	: Mysuru	

*Witness called and duly sworn on: 29.01.2026*

**EXAMINATION IN CHIEF BY: SRI. RC 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.R4	Copy of Insurance policy bearing No. 0720033124P101383628 pertaining to vehicle bearing No. KA-09-D-6490 for the period 30.04.2024 to 29.04.2025
Ex.R5	Office copy of the letter dated 25.07.2025 addressed to the insured i.e., respondent No.1.
Ex.R6	Postal acknowledgment card
Ex.R7	Attested copy of the notice issued under section 133 of MV act by the I.O. in Cr.No.141/2024 pertaining to Narasimharaja police station, Mysuru.
Ex.R8	Attested copy of the reply issued to the notice issued under section 133 of MV act by the I.O. in Cr.No.141/2024 pertaining to Narasimharaja police station, Mysuru.
Ex.R9	Attested copy of the report of the RFSL in Cr.No.141/2024 pertaining to Narasimharaja police station, Mysuru.

Ex.R10	Attested copy of the postal cover containing the letter dated 25.07.2025 in Cr.No.141/2024 pertaining to Narasimharaja police station, Mysuru.
Ex.R10(a)	Letter dated 25.07.2025 along with annexure addressed to the insured i.e., respondent No.1.
Ex.R11	Authorization letter

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. RR LEARNED COUNSEL FOR PETITIONER:**

1. I have gone through all the police records pertaining to the criminal case leading to the present accident. It is true to suggest that the I.O. has charge sheeted the driver of the tipper lorry bearing No.KA-09-B-6490. Though it is true to suggest that the I.O. has not invoked any sections against the deceased, witness states that the I.O. has intentionally refrained from invoking any provisions against the deceased.

2. I am not aware if the tipper lorry bearing No.KA-09-B-6490 did not have any load in it at the time of accident. Witness states that the said fact is not mentioned in any of the police records. It is true to suggest that in the seizure panchanama filed along with the charge sheet in crime No.141/2024 which is marked along with charge sheet as Ex.P3 in this case it is mentioned that the lorry did not have any load in it at the time of seizure. Witness states that the accident occurred on 13.09.2024 and the seizure was done on 19.09.2024 as such I cannot say if the vehicle did not have any load at the time of accident or not and there is nothing mentioned specifically in the charge sheet in that regard.

3. The Respondent No.2 company has not produced any document to substantiate its contention that the tipper lorry bearing No.KA-09-B-6490 had load in it at the time of accident. I have perused the RC pertaining to tipper lorry bearing No.KA-09-B-6490. It is true to suggest that as per the RC pertaining to tipper lorry bearing No.KA-09-B-6490 the unladen weight of the said vehicle is 7,140 Kgs. Witness states that but the vehicle is HGV.

4. It is false to suggest that since the unladen weight of the tipper lorry bearing No.KA-09-B-6490 is 7,140 Kgs which is less than 7,500 Kgs, any person holding a license which authorizes him to drive a transport vehicle can very well drive the tipper lorry bearing No.KA-09-B-6490. Witness states that the Gross vehicle weight should be less than 7,500 Kgs and not unladen weight.

5. It is false to suggest that because the driver of the tipper lorry bearing No.KA-09-B-6490 possessed a valid and subsisting D.L. at the time of accident, the Respondent No.2 company is liable to pay compensation to the petitioners. It is false to suggest that inspite of being aware that the respondent No.2 company is liable to pay compensation to the petitioners, it has set up a false defense just to wash off its liability and I have come before the court to depose false facts in support of the same.

6. It is true to suggest that no where in the charge sheet it is mentioned that the deceased was under the influence of alcohol at the time of accident. It is false to suggest that the Ex.R9 is incomplete as such the same cannot be looked into. It is false to suggest that the alcohol in the blood of the deceased if any was due to consumption of

medicine and not due to consumption of alcohol. The Respondent No.2 company has no impediment to summon and examined the expert from the RFSL who submitted the Ex.R9 report. It is false to suggest that the deceased was into the habit of consumption of alcohol and yet the Respondent No.2 company has falsely alleged that the deceased was under the influence of alcohol just to wash off its liability.

7. I have gone through the PME report of the deceased. It is false to suggest that the very fact that no where in the PME report there is any mention regarding the fact that the deceased was under the influence of alcohol goes to the show that the contents of the Ex.R9 and the contention of the Respondent No.2 company are false. It is false to suggest that Ex.R9 is got created to suit the defense 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