

A(ECA) No.301 /C- 82 of 2018
Resumed on oath.

Exh.U-9

Further examination in chief on behalf of applicant by Adv. P.S. Pandey:

11) I do hereby on solemn affirmation state that the contents of my affidavit in-lieu of examination-in-chief are true and correct. It bears my thumb impression and I admit the same. I have produced police papers, insurance policy, RC Book, permit, fitness, demand notice, its postal receipt, discharged card, referral letter, casualty case papers, disability certificate, photographs and driving licence. The document at sr. no.1 to 7 is marked at **Exh.U-11** to **Exh.U-17** respectively. The document at sr. no.12 is marked at **Exh.U-18**. The document at sr. no.14 is marked at **Exh.U-19**. The document at sr. no.15 is marked at **Exh.U-20**.

The opposite party no.1 is absent hence no cross examination.

Cross examination of insurance company advocate for Smt. Sapana Bhuptani:-

12) I have filed this claim on the reason of occurrence of accident. Except this claim I have not filed any claim in any other court. I was driving the vehicle of Katariya transport. I was driving tata motor trailer bearing no. MH-46-H-1378. I have not given statement sue moto to the police. After accident I went to MGM hospital. It is true to say that, police had not come in the hospital and not recorded my statement. The office of opposite party no.1 is in Indore. It is not true to say that I was not residing in Mumbai at the time of accident. I have given intimation to the insurance company in regard to the accident. I have given intimation in written form. Said document is lost. It is not true to say that I do not had driving licence to drive trailer. There was no fixed time of my work. I had been to opposite party no.1 for purpose of getting work. It is true to say that, I have not surrendered the driving licence. It is true to say that,

the validity of my transport licence is upto 2027 and the validity of non transport licence is upto 2033. I can not given any reason why I have not obtained disability certificate from the hospital where I claimed that I was admitted. I brought disability certificate from Dr. Khan. I had been to the hospital of Dr. Khan at Andheri (W). I came here by train. I do not know where the hospital of Dr. Khan. Witness volunteers stated that it is डॉ. खाना. I had been to the hospital of Doctor but I do not remember the place. My younger brother borne my expenditure. It is not true to say that I have not given intimation to insurance company. It is not true to say that I was not employed as a driver on motor vehicle bearing no.MH-46-H-1378. It is not true to say that I was not getting any salary as a driver. It is not true to say that the accident was not taken place during the course of and out of employment. It is not true to say that insurance company is not liable as I am not holding valid driving licence. It is not true to say that I am driving the vehicle and could drive the vehicle on today also hence I have not surrendered my driving licence . It is not true to say that I have not filed document of three hospital and I have not sustained any injury. It is not true to say that there was no disability hence other three hospital have not issued any disability certificate to me. It is not true to say that insurance company is not liable to pay compensation, interest and penalty. It is not true to say that I have filed false case. It is not true to say that I was driving the vehicle in friendly capacity.

Cross examination completed.

No re-examination.

R.O.A.C.

Date : 21/09/2023

kpm/-

Sd/-
(J. R. Raut)
Commissioner for Employees
Compensation & Judge,
Tenth Labour Court, Mumbai.