

Further Examination in Chief resumed on fresh oath -

- 9) I have filed affidavit of examination in chief on record. It bears my signature. Its contents are true and correct.
- 10) Certified copy of EPR register is at Exh.U-11. Xerox copy of my driving licence is at Exh.U-12. Xerox copy of my Aadhar card is at Exh.U-13 (witness has produced original driving licence and Aadhar card before the court for inspection. After verifying from the originals xerox copies are exhibited as Exh. U-12 and Exh. U-13). Copy of the insurance policy purchased by opp. Party no. is at Exh. U-14 (Insurance company has admitted said document, hence it is exhibited without formal proof). Certificate of the fees paid by me to the hospital and the bills(of Rs. 49055.27) of the medicine purchased by me filed with list Exh. U-10 are collectively marked as Exh. U-15. Original follow up card issued by K. E. M. Hospital is at Exh. U-16. (Ld. Counsel for insurance company has raised objection to allot exhibit mark to documents which are exhibited at U-11 to Exh.U-13, Exh. U-15 and Exh. U-16 objections are reserves, admissibility of said documents will be decided at the time of arguments.)

Cross examination by Opp. Party no.1 -

Matter is ex-parte against opp. Party no.1, hence no cross examination.

Cross Examination by Smt. S.Z.Chitte Advocate for Insurance company-

- 11) I can read and write Hindi language only. Exhibit U-1 is drafted in English language. I have gone through the contents of Exh. U-1 prior to signing it. Today, I resides at Wadala, Mumbai. I have not filed any document on record to show that at the time of

filing this application, I was residing at Wadala Mumbai. Today I came to Mumbai from Azamgad, Uttar Pradesh. Now a days I am using public transport vehicles. Driving licence filed by me on record is valid for today also.

12) Incident occurred in the year 2018. I have not filed any document on record to show that on the day of incident I was employee of opp. Party no.1. At the time of incident offending vehicle was in stationary condition at Gitya Parking at Navasheva. At the time of incident I was not on the starting of the offending vehicle. It is true that vehicle registration no. MH06-AQ-662 was not involved in the accident. At the time of incident one vehicle gave dash to me. At the time of incident, I was not driving vehicle registration no. MH06-AQ-662. It is not true that I have not lodged report of incident with police station. Police have recorded my statement. It is not true that, claim filed by me is false. It is not true that on 01/03/2018 I had no occasion to visit hospital for treatment. I was admitted in K. E. M. Hospital at about 2.00 a.m.(in the night of 01/03/2018 to 02/03/2018). For the period of 4 days I was indoor patient of K.E.M. Hospital. K.E.M. Hospital is Municipal Corporation Hospital. Free medical treatment is available in K.E.M. Hospital. After recovery, Doctor of K. E. M. Hospital discharged me. It is not true that after discharge from the hospital I had no occasion to visit any other hospital for treatment. It is not true that, I have not sustained injuries during the course of employment. It is not true that contents of my affidavit are false. It is not true that at the time of incident my age was not 36 years.

13) After incident, I met to opp. Party no.1 and demanded compensation but opp. Party no.1 refused to give compensation to me. Opp. Party no.1 has business of transport. Opp. Party no.1 do

business under the name of Ganapati Transport. Opp. Party no.1 has 150 transport vehicles. 150 drivers are in the employment of opp. party no.1. Opp. Party no.1 pays income tax. Office of opp. Party no.1 is situated in Bhima Building, Kalamboli. Opp. Party no.1 used to pay salary in cash. Opp. Party no.1 used to obtain my signature after giving salary in cash to me. Opp. Party no.1 used to maintain salary register.

14) Even today, opp. Party no.1 is running transport business under the name Ganapati Transport. It is true that opp. Party no.1 is declared as insolvent by competent Court. It is not true that insurance company is not liable to pay anything to me. I had been to K.E. M. Hospital for disability certificate but hospital has not issued it. Thereafter I visited the hospital of Dr. Khanna at Andheri. He has not obtained Xray of my injuries. It is not true that, I have no disability. It is not true that I have filed false certificate on record. It is not true that, only opp. Party no.1 liable to pay compensation to me.

Cross examination completed.

Re-examination- Nil.

R.O.A.C.

Date- 10/11/2022

SSA

Sd/-
(D.R.Dande)
Commissioner for Employees
Compensation & Judge
Third Labour Court, Mumbai.