

A(ECA)107/C-25/2019

Exh U-13

On Oath.

Name- Anilkumar Jainath Pandey

Age- 39 Years

Occupation- Nil

Residence - Goregaon

**Further Examination-in-Chief by applicant
through Advocate Shri S. M. Ganeshan:-**

14. The contents in affidavit are true and correct and recorded as per my narration. It bears my signature. I have filed documents at Exh U-14. The document no. 1 is true copy of report issued by Andheri Police Station. Document nos. 4 to 9 are the medical papers and discharge card issued by Municipal Hospital, Jogeshwari. Document nos. 10 to 12 are the MRI report and city scan report. Document no. 13 is disability certificate issued by Dr. Naresh Khanna. Document no. 14 is insurance policy. Document nos. 15 to 17 are demand notice and postal receipt. Document nos. 18 and 19 are the copy of Pan card and Aadhar card. All these documents are collectively marked as Exh U-14/1. Verified copy of driving licence is at Exh U-16.

**Cross- examination for opponent no. 1 by
advocate Rupesh Kadam :-**

15) Called repeatedly. Remained absent hence no cross.

**Cross Examination by Advocate Smt Shilpa
Virkar for Insurer :-**

16) I came to court through taxi. I am educated up to 10th STD. It is not true to say that, the said accident was

occurred due to my negligence. I have not filed school leaving certificate before this court. I have not filed any evidence to show that I am residing on the address mentioned in my affidavit. It is true to say that, I never admitted in hospital after 07/01/2019. It is true to say that, doctor discharged me from the hospital. I have not filed any documents to show that, I am taking continuous treatment from January 2019 till today.

17) I was driving the auto from 8.00 a.m. to 7.00 p.m. It is true to say that, I have not surrendered my driving licence after the accident. It is true to say that, my driving licence was renewed on 16/3/2020 till 15/03/2028. It is true to say that, I have taken entire treatment in the Government hospital. I have not taken any treatment from Dr. Khanna, only to obtain disability certificate I visit Dr. Khanna's hospital. I have not filed any appointment letter or identity card to show that, I was working with opponent no. 1. I have not filed any document to show that I was working with opponent no. 1 and getting salary of Rs.12000/- per month. It is true to say that, after the accident immediately I have not informed to the insurance company about the accident. Witness volunteers that I have sent legal notice.

18) The treating doctor has not issued any disability certificate stating that I am unable to do any work after the accident. It is not true to say that, I am deposing false that, I was employee of opponent no. 1 and getting salary of Rs.12000/- per month. It is not true to say that, I was filling the gas in auto. It is not true to say that, today I am fit and not suffering any disability. It is not true to say that, today I am driving the auto and filed the false claim. It is

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not true to say that, the contents in affidavit are false. It is not true to say that, the insurance company is not liable to pay the compensation amount in absence of employer employee relationship.

Cross-examination completed.

No-re-examination.

R.O. A.C.

Date- 30/03/2023

VVM/-

Sd/-

(D.V. Joshi)

Presiding Officer

Fourth Labour Court, Mumbai