

Resumed on Oath.

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

19) In the year 2016 I was in Mumbai, before that I was at Dashrathpur, UP. In search of job I came in Mumbai. I have completed education upto 10th std. I was searching for any job. My date of birth is 05/08/1983. I was driving the vehicle for last 3 to 4 years. At that time I was possessing driving licence. I have taken the driving licence from Mumbai RTO. The opp no. 1 was well known in my village. I used to meet him and I came to know from him that he require one driver. I know him from last 18 years.

20) It is not true to say that I am relative of opp no. 1. I met opp no. 1 in the year 2016. At that time opp no. 1 was residing at Nalasopara. I met opp no. 1 in relating to job of driver. I was driving the auto rickshaw. There is no any written agreement between me and opp no. 1. It is true to say that I was paying the rent collected during the day to opp no. 1. It is not true to say that I was bearing cost of petrol and maintenance. I was parking auto rickshaw in Goregaon. Opp no. 1 used to meet me in Goregaon. It is not true to say that opp no. 1 collected the rent from me. It is not true to say that the other person except opp no. 1 were coming towards me for collecting the rent. It is not true to say that I was paying Rs.200/- to opp no. 1 for the rent.

21) I have not filed any document to show that I was getting Rs.12000/- from opp no. 1. I have not mentioned

mode of payment in my application. I have not submitted my bank statement. It is not true to say that due to the relationship I was driving the vehicle. It is true to say that the auto rickshaw was in fit condition to drive it and has no any fault in it.

22) At that time of driving I was carrying Pan card, Aadhar card and Driving licence with me.

Adjourned due to recess.

R.O. A.C.

Sd/-

Date- 18/01/2024

(D.V. Joshi)

Presiding Officer

VVM/-

Fourth Labour Court, Mumbai

After recess cross-examination continued on oath.

23) I was also carrying documents of vehicle such as permit, fitness certificate etc. I was driving the auto from 2016 in Mumbai. I handed over the amount to opp no. 1 and then he paid salary to me. I was driving the auto from Jogeshwari to Nalasopara. The date of accident was 09/09/2018. At that time I was driving the auto from Bandra to Goregaon and no any passenger was with me.

24) My relative told me, from where I can obtain disability certificate. I went there to obtain disability certificate. I have informed about the incident to opp no. 1 through my brother. It is true to say that auto rickshaw also damaged in the said accident. My owner has not applied for claim in respect of damage. I have filed the document to show that, I was treated as indoor patient. I have filed discharge card. It is not true to say that after discharge from hospital I went to UP. It is not true to say that after accident I was working as a watchman. I can

produce driving licence and bank statement. It is true to say that I have no driving licence. Witness further stated that he lost the driving licence. Today I have brought renewed driving licence. I have not filed any complaint for lost of driving licence. It is not true to say that at the time of accident I have no any valid driving licence. It is not true to say that, there was no any master and servant relationship between me and opp. no. 1. It is not true to say that, ECA Act is not applicable to me. I do not know about the Mr. Sujit Pande. Mr. Sujit Pande is my brother. It is true to say that I have issued demand notice to opp no. 1 on his Santacruz address. It is not true to say that, I sent Sujit Pande to the house of opp no 1. The insurance policy is in the name of opp no. 1. It is not true to say that I have filed false claim.

Cross- examination completed.

No re- examination.

R.O. A.C.

Date- 18/01/2024

VVM/-

Sd/-

(D.V. Joshi)

Presiding Officer

Fourth Labour Court, Mumbai