

Witness from insurance company is now shown his affidavit of examination-in-chief. He identified his signature and the contents of documents. He has also filed certified copy of insurance policy, premium register, certified copy of search extract of screen shot, original letter issued by HDFC ERGO to Respondent no. 2 Sanjay Malghade along with postal receipt and track consignment report, letter issued by HDFC ERGO to RTO Nagpur, original complaint filed by HDFC with S.P. Office Nagpur with receipt and track consignment report, certified copy of list of product, copy of order of IRDA Tariff dated 04/06/2019, copy of order of IRDA Tariff dated 27/03/2020, copy of letter and notification issued by Govt. of India, Ministry of Road Transport, Print out details fetched after scanning the QR Code of the policy, Copy of certificate under Section 63 of BSA. All these documents are bearing the seal of the Company and they are as per the record of the Company. Hence, these documents are exhibited. They are at **Exh. 34/1 to 34/12**.

Cross examination for respondent No. 2 by advocate Mr. A. S. Suryawanshi

2. It is not true to say that owner Sanjay Malghade has purchased a policy from us. It is not true to say that owner has made online payment. It is not true to say that on the date of accident policy was in validity period on in currency. It is not true to say that policy filed by me at Exh. 34/1 is false and fabricated document. It is not true to say that policy document filed on record at Exh. 4/6 is a photocopy copy of a genuine insurance policy issued by the Company. It is not true to say that contents of the policy filed on record below Exh. 4/6 is true. It is not true to say that I am deposing false to avoid the liability.

Cross examination for claimant by advocate Mr. P. S. Mirache

3. Company has appointed agent for issuing Insurance Policy. It is true that on the copy of policy filed by me below Exh. 34/1 name of agent and

agent code has been mentioned. Witness says that these are for Online transaction. We have received premium for two wheeler vehicle liability only third party policy. It is true that on copy of policy Exh. 34/1, vehicle number is mentioned as MH-04-CP-3085. Engine Number is mentioned as 135599 and Chasis Number 120258.

4. Engine numbers and chasis numbers are mentioned on the basis of details supplied by the policy purchaser.

Question: Whether you have verified chasis number and engine Number vis a vis specification of the vehicle?

Answer: No, it was an online sell.

Question: Whether you have refund the amount of premium to the person who has paid the same to you by Online Mode?

Answer:- We have not refunded it.

Question: Whether you taken steps for cancellation of policy?

Answer : Yes, We have issued the letter regarding the cancellation of policy to owner on 19/06/2025.

5. It is true to say that the date of accident is on 17/01/2023.

6. It is not true to say that on 17/01/2023 policy was in existence. It is not true to say that insurance company is liable to indemnify the claimants. It is not true to say that I am deposing false to avoid the liability.

No re. ROAC

Before me.

Nagpur
Dated : 27/01/2026

(A. H. Sayyed)
Member, M. A. C. T-4
Nagpur.

MACP No. 350/2023
Ex. No.31 Contd.