

DEPOSITION OF WITNESS NO.1 FOR PETITIONER

I do hereby state on solemn affirmation that-

My name : Nikita Ganesh Gaikwad,
Aged : 26 years, Occ.: Nil,
R/o : Pardi, Nagpur.

.....

Examination-in-chief of witness by Adv. Smt. U.A. Bhattad for Petitioner.

1] I am adducing evidence on affidavit. The affidavit now shown to me is the same. It bears my signature and contents therein are true and correct. Said affidavit is at **Exh.30**.

2] I have filed on record documents below list Exh.4. Form-AA is at **Exh.37**, FIR is at **Exh.38**, spot panchanama is at **Exh.39**, inquest panchanama is at **Exh.40**, police report is at **Exh.41**, postmortem report is at **Exh.42**, copy of Insurance is at **Article-A**.

3] I have filed on record documents below list Exh.34. Vehicle particulars is at **Article-B**. Arrest panchnama is at **Exh.43**. Registration certificate is at **Exh.44**, fitness certificate is at **Exh.45**, permit is at **Exh.46**. The missing report is at **Article-C**.

Cross-examination for Respondent No.1.

Respondent No.1 and his counsel absent when repeatedly called. Hence cross examination Nil.

Cross-examination by Adv. Smt. Mairal for Respondent No.2.

4] I cannot assign any reason why I did not file any document regarding my education. My father was driving cycle rickshaw. I have left education from 2nd year B.Com. I have not filed on record document to that effect. I have also not filed on record the ration card. Date of birth of my mother was 04.10.1972. It is not true to say that at the time of

accident my mother was aged 50 years. I have not filed on record any document to show that my mother was doing tailoring work and was earning Rs.12,500/- p.m.

5] At the time of accident I was not with my mother. Accident took place at about 06:30 a.m. It is true to say that accident took place in the chowk. I do not know how accident took place. It is not true to say that accident took place due to fault of my mother. It is not true to say that as the truck was not insured with respondent No.2, therefore respondent No.2 company is not liable to pay me any compensation. It is not true to say that as the papers of the offending vehicle were not effective, therefore insurance company is not liable to pay any compensation. I do not know as to whether the driver of truck was not holding driving license hence insurance company is not liable to pay me any compensation.

6] Presently I am doing nothing. My date of birth is 26.03.1998. It is not true to say that I was not dependent upon my mother. It is not true to say that the claim filed by me is false. As no documents are available about missing report of my father, therefore the same are not filed on record.

Re-examination-Nil.

R.O.A.C.

Before me.

(P. B. Naikwad)
Member, MACT-1, Nagpur.
Date: 14.10.2024.

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