

In view of order below Exh.58, Cross-examination by Adv. S.S. Joshi for respondent No.2 on S.A.

8] Not true to say that as a cow suddenly came in front of my vehicle, I suddenly stopped my vehicle and therefore, accident took place. Not true to say that as I suddenly fell on road, I do not know how accident took place. I was proceeding from Shitlamata Mandir Square to Ishwarnagar Square. Not true to say that due to injuries caused to me by fall, for few moments I could not know what has happened to me.

Question -Is it correct that the vehicles coming from back side, those riders have taken me to Hospital ?

Ans :- After dash was given to my vehicle by Activa from behind and I sustained injury, the other persons first parked the offending Activa on the side of the road, stopped one auto-rickshaw and in said auto-rickshaw I alone was sent to Hospital.

9] There were 2-3 persons in the auto, who took me to the Hospital. True to say that I was not alone in the auto rickshaw. Not true to say that I am not aware that which vehicle has given me dash. Not true to say that accident took place due to my fault. Not true to say that I implicate false vehicle in the accident.

10] I discharged from the Hospital on 01.09.2019.

Question : What is the reason for your belatedly filing FIR on 09.09.2019 ?

Ans: - My husband had been to the Nandanwan Police Station to give complaint. Police informed him that MLC is not received from Hospital and therefore, complaint was not filed.

11] Not true to say that I am stating false reason of belated filing of F.I.R. Not true to say that no accident was taken place as stated by me therefore, I gave F.I.R. belatedly. Not true to say that I did not suffered

grievous injury. Not true to say that thereafter, I resumed my duty. I have not filed any document to show that I was doing private job or was getting income of Rs.20,000/- per month. Not true to say that I did not suffered permanent disability.

12] Not true to say that after treatment of Dr. Chandak, I did not went for any treatment to any Doctor. Not true to say that I have filed false permanent disability certificate. Not true to say that I have filed false claim petition against respondent No.2.

Re-examination : NIL

R.O.A.C.

Nagpur
Date : 16/02/2026

(Dinesh P. Surana)
Chairman, MACT & PDJ, Nagpur.

Further Examination-in-chief by Adv. Aditya Joshi for respondent No.1

11] Evidence affidavit Exh.49 is drafted as per my say. It bears my signature and seal of the company. Contents therein are true.

12] In the stamp on the fake policy Exh.29 instead of “HDFC” “HDPC” is impressed which also shows that the said policy is fake. The service tax (GST) applicable at that time was 18%, as shown in the sample policy filed by me, however, in the fake policy Exh.29, 18.5% is shown. Against which head premium of Rs.325/- is charged is not mentioned in Exh.29. There is no total of the policy amount below figure 50 i.e. net liability premium. The calculation of GST for Rs.202.86 is also incorrect. GST of 18% in Exh.29 comes to Rs.202.86 and not 18.5%. Rajkumar M. Mishra is shown as agent in Exh.29. Whereas, he is not agent of company. In Exh.29 the make of the vehicle “HONMCY” is also incorrect. Our company writes full name “HONDA” in field “Make”. On scanning the QR code seen in Exh.29, it is just a image and does not take to any policy.

13] I have also filed documents on record. The letter to Nandanwan Police Station dated 04.07.2025 sent by Speed Post with its postal receipt inquiring the status of the police complaint dated 24.12.2020 lodged by us bears signature of P.D. Warkari our Investigation Manager. It bears seal of our company and my signature for true copy. The complaint with postal receipt is marked as **Exh.61**. Postal tracking report of Exh.61 is taken from the official website of Indian Post Department. The postal tracking report is marked as **Exh.62**. The complaint dated 24.12.2020 to Nandanwan Police Station complaining about fake insurance policy document bears signature of our Deputy Manager Fraud Control and Investigation Department Mr. Anil Bambulkar. It bears my signature and

seal of our company for certifying the said complaint. Complaint is marked as **Exh.63**. The said complaint was sent through post. Its postal envelope is filed on record. The postal envelope is marked as **Exh.64**. We used to keep scanned copies of the documents. The original police complaint was lost and is not seen from our record. Therefore, its copy from digital scan is taken. I have also filed the abstract of insurance premium paid register from 27.08.2019 to 29.08.2019 running in 41 pages to show that no premium for purchasing insurance from us for the offending Activa was received to us during the said period. The abstract is taken from our system. It bears my signature and seal of our company. Contents therein are correct. The insurance premium register abstract is marked as **Exh.65**. I have also filed certificate under Sec.65B of BSA regarding digital and electronic record. Its bears signature of our executive vice president and seal of our company. Certificate is marked as **Exh.66**. I have also filed the product code and product name list of our company. It bears my signature and seal of our company. Contents therein are correct. It is marked as **Exh.67**. I have filed six policies issued by our company to demonstrate how policy Exh.29 is fake and how the policies are issued by us. All six policies bears my signature, seal of company and each is supported by certificate under 63 of BSA. Contents of the policies are correct. The six policies are respectively marked as **Exh.68/1 to 68/6** and their respective certificates are marked as **Exh.69/1 to 69/6**.

Cross-examination by Adv. S.S. Joshi for respondent No.2

14] True to say that the track report Exh.62 doesn't show that it was delivered to the addressee. After letter Exh.61, we have not made any correspondence with the Police. I have not filed any document to show what steps in between were taken by our company from 24.12.2020 (Exh.63) to 04.05.2025 (Exh.61). In abstract of insurance premium register Exh.65, the timings of receipt of premiums is not mentioned. The product

code mentioned in Exh.67 is of company.

Question : It is mentioned in your evidence affidavit that your policy consists of 16 digits ?

Ans :- yes, but it is followed by endorsement in 3 numbers at the end for ex. 000 is for fresh policy, 001 is for first renewal and likewise.

15] True to say that, I have not mentioned in my evidence affidavit about the last 3 digits endorsement. True to say that the policy number in Exh.68/1 to 68/5 is at one place, whereas in policy Exh.68/6 is at different place. I don't know whether the place of mentioning policy number is decided by the company or not. True to say that the QR Code in policies Exh.68/1 to 68/5 are in bottom and in policy Exh.68/6 is in top. True to say that the proforma in table of the policies Exh.68 are different and it keep on changing. I cannot say whether there is no prescribe format of policies issued by our company.

On oral request of Adv. Shrikrishna S. Joshi for the respondent No.2 – owner – cross-examination is deferred. He submitted that, he want to call the original policy of insurance from respondent No.2 and therefore, want a short adjournment.

R.O.A.C.

Nagpur
Date : 08/04/2026

(Dinesh P. Surana)
Chairman, MACT & PDJ, Nagpur.

Dated 27.04.2026.

Further cross-examination resumed on S.A. by Adv. S.S. Joshi for respondent No.2

16] In the sample policies, the format of vehicle details are different i.e. mentioned at different places. The name of Agent is also mentioned at different places. HDFC logo used to be in red colour. I cannot say whether a common man after seeing the red logo, he presumed that the policy is genuine.

17] (Now attention of witness is drawn to the policy filed by the respondent No.2 with list Exh.71). The policy Exh.29 (filed by the petitioner at document No.6 with list Exh.4) is the photocopy of the original policy filed with list Exh.71. (The original policy is marked as **Exh.29-A**). In the original policy Exh.29-A in stamp, HDFC and not HDPC is mentioned. (The witness was asked to scan the QR code in policy Exh.29-A. He scanned the said QR code and replied). On scan of the QR code in policy Exh.29-A, one two-wheeler insurance policy No. 2320201260838900000, policy holder Dayadanshri W. Dayadan, make Yamaha, Model/Variant – Libro, RTO Chhindawara, registration No. MP-28/BA-7891, Engine No. 10209, Chassis No. 10209, period of insurance 09.12.2015, 15:18 hours to 08.12.2016 midnight is seen. Witness volunteers that the policy No. 2320201260838900000 is shown to be inactive as it was valid upto 08.12.2016. I cannot say whether a common man due to change in formats of the policies, is unable to understand whether the policy is issued from our company or not. Not true to say that there is no immediate or relevant conduct of the respondent insurance company regarding the alleged fake policy.

18] Not true to say that I have deposed false that our policy is of a particular format. Not true to say that I have filed false evidence affidavit.

Not true to say that due to our mismanagement, respondent No.2 is sufferer.

Que. Whether the name of Agent Rajkumar M. Mishra and his Agent Code mentioned in policy Exh.29-A can be verified from your record ?

Ans. Yes. We have verified and found that no such person with such Agent code is our agent.

19] I do not know whether the country-wise agent list with agent code is available in our office or not. Witness volunteers that he has searched in his system by entering agent code mentioned in policy Exh.29-A and the result was “no result found”.

Que. Whether you can file (i) the list of agent with agent code of Nagpur District and Chhindawada District, and (ii) the number of policies issued on 28.08.2019 from Nagpur District and Chhindawada District?

Ans. I have to verify and then I can answer to it, for which I will require time.

20] I can file the data of our company showing how many claims regarding fake policies for a particular year are filed at Nagpur District. Not true to say that based on incomplete and false information, I have filed my evidence affidavit. Not true to say that to save from payment of liability by my insurance company, I am deposing false.

Que. Whether there is any specification of I.D. code given by your insurance company to your agents ?

Ans. Yes. It generally starts from numerical number ‘2’ without there being any alphabets therein in the entire code.

21] GST Registration number of our company is similar for all years and no separate GST registration number for each year is taken. True to say that GST numbers in all the sample policies are different. Witness volunteers that for Nagpur it is one.

In view of order below Exh.72 Dated 27.04.2026, cross-examination is deferred.

Nagpur
Date : 27/04/2026

(Dinesh P. Surana)
Chairman, MACT & PDJ, Nagpur.