

**DEPOSITION OF WITNESS NO.1 FOR PETITIONER**

I do hereby state on solemn affirmation that-

My name : Manisha Nitin Naik,  
Aged : 33 years, Occ.: Household,  
R/o : Hansapuri, Nagpur.

.....

**Examination-in-chief of witness by Adv. Ku. Mishra 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.19**.

2] I have filed on record documents below list Exh.4. Form-AA is at **Exh.22**, FIR is at **Exh.23**, spot panchanama is at **Exh.24**, copy of Insurance is at **Exh.25** (as insurance is admitted, it is exhibited). I have filed on record copy of Adhar Cards. I have produced original Adhar Cards before Tribunal for verification. The same are as per original. It is at **Exh.26** and **27**.

**Cross-examination by Adv. Shri Vijay Wankhede holding for Adv. Hitesh Verma for Respondent No.1.**

3] Accident took place at Kadbi chowk at about 04:00 p.m. It is true to say that at the time of incident we in all three persons were travelling on the scooty. Myself, my daughter and my niece were on the scooty. I was driving the said scooty. I had purchased that scooty the same was not transferred in my name. I had purchased the same in the year 2018. I do not remember the name of registered owner. All the transaction was made by my husband. It is not true to say that I was not holding driving license to drive scooty. I have not filed on record my driving license. I am ready to file the same. Truck had given dash to my scooty. I do not remember the registration number of the truck. I do not know who was driving the said

truck. I am aware that no triple seat is allowed. My daughter had seated at last. I have not filed on record any document to show that my daughter was taking education. At that time she was learning in 2<sup>nd</sup> standard. Presently she is in 4<sup>th</sup> standard. School of my daughter is at a 5 to 6 kilometer away from my house.

4] It is true to say that my daughter had sustained injury to her left leg. It is not true to say that I had not taken her to the hospital. Her bone was united within a year. It is true to say that I had not taken my daughter to any hospital for permanent disability certificate. It is true to say that I have not filed on record any document to show that I have incurred expenses of Rs.50,000/- and 25,000/- on medical treatment and transportation.

5] It is true to say that the FIR was lodged against the unknown vehicle. Search of unknown vehicle was taken and it was traced out. I cannot tell why the owner and insurer of the offending truck are not made parties to the petition. It is not true to say that I had not worn helmet. It is true to say that my daughter had not worn helmet. I do not know whether I have filed claim against wrong insurance company or what. It is true to say that accident took place due to head on collusion.

**Cross-examination for Respondent No.2.**

Respondent No.2 and his counsel absent when repeatedly called.  
Hence cross examination Nil.

**Re-examination-Nil.**

R.O.A.C.

Before me.

(P. B. Naikwad)  
Member, MACT-1, Nagpur.  
Date: 16.12.2024.

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