

Witness is now shown her affidavit of examination-in-chief. She identified her signature and the contents of documents. She has also filed certified copy of FIR, Form AA, spot panchanama, inquest panchanama, postmortem report. Hence, they are exhibited. They are at Exhs. 23 to 27. Claimants have also filed R.C. Particulars of Car bearing No. MH-31-DK-4426 and its insurance policy. All these documents provided by Police Station. They are at **Exh. 28 and 29**. Original copy of death certificate is at **Exh. 30**. Aadhar card of the deceased Shubham is at **Exh. 31**. Driving license of Shubham. It is at **Exh. 32**. Pan card of Shubham is at **Exh. 33**. Aadhar card of claimants Nikita and Priyanka. They are at **Exh. 34/1 and 34/2**. Ration card of the family is at **Exh. 35**.

Cross examination for Respondent No. 1- Exparte. Hence, no cross.

Cross examination for Respondent No. 2 by advocate Ms. Lokhande

2. I have not witnessed the accident. After the accident, I had visited the spot of accident. A goods truck was standing on the middle of the road. There was no divider on the road. Accident occurred on Amravati Highway. The truck was standing in the middle of the road. It is not true to say that I am deposing false that truck was standing in the middle of the road.

3. Car i.e. Hyundai i10 bearing no. MH-31-DK-4426 was being driven by my brother Shubham. Said car was also registered in his name. My brother Shubham and my father and mother i.e. three persons were sitting in the car. It is not true to say that accident occurred due to sole negligence of my brother. It is not true to say that there is no negligence on the part of driver of the truck bearing No. DD-03-M-9184. It is true that police has registered offence against driver of Car i.e. my brother Shubham and driver of truck. Accident occurred in the afternoon at about 3:30 pm. My mother was a home-maker.

4. I am a teacher. Presently working in Kidzee. I am earning Rs. 7,000/- to 8,000/- per month. I got married in 2017. My husband is the director of the School Kidzee. I have one son and one daughter. After marriage I am residing with my husband. Nikita is my elder sister. She is a medical practitioner and residing with her husband in Pawai Mumbai. She got married in 2012. Her husband is a Petroleum Engineer. I have no idea of my sister and her husband.

5. My brother was unmarried. He was working as an Engineer and filing his Income Tax Return. We have filed copy of income tax return of my brother in the year 2020 -2021. It is not true to say that there is breach of condition of policy and insurance company is not liable to pay the compensation. It is not true to say that present petition is not maintainable under Section 166 of the M. V. Act. Shubham was a bachelor in Engineering but I am not recollecting when he completed his Engineering. We have filed documents to show the jobs and earning of Shubham. It is not true to say that we have filed false document. It is not true to say that accident occurred due to negligence of my brother and we are not entitled for any compensation because he was tortfeasor. It is not true to say that we were not dependent on the income of my brother, we have filed false petition and today I am deposing false.

Cross examination for Respondent No. 3 by advocate Mr. D. M. Paranjape resumed on oath.

6] The car in which my brother and parents were traveling registered in the name of my brother Shubham. He was also driving the car and having license to drive the car. Accident occurred because car rammed into a stationary truck parked on the road. It is true to say that present matter is filed for compensation against the owner of the truck.

7] After the death of my parents and my brother we two sisters are the only legal heirs. It is not true to say that present petition is not maintainable against

Respondent No.3 and Respondent No. 3 is not liable to pay any compensation.
(Rest is adopted).

No re. ROAC

Before me.

Nagpur
Dated : 09/04/2025

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