

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 copy of complaint to RTO along with list of policy details, postal acknowledgment, Complaint made to Senior Police Officer, Police Station Bhiwapur. These three documents are exhibited. These are at **Exh. 35/1 to 35/4**.

Upon perusal of the record it is found that copy of policy issued by Insurance Company is not available on record. Learned advocate Smt. Mairal sought time to file the copy. Hence, matter adjourned till next date.

No re. ROAC

Before me.

Nagpur
Dated : 10/03/2026

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

Examination in chief resumed on oath on 10/04/2026.

2) Witness is now shown canceled copy of insurance policy filed along with list **Exh. 37**. It bears seal of the Company. According to witness, contents are true and correct. Hence, it is exhibited. It is at **Exh. 38**.

Cross examination for Respondent No. 2- Exparte. Hence, no cross.

Cross examination for claimant by P. S. Mirache.

3) Canceled policy Exh. 38 is showing registration number of vehicle as MH-40-BL-2845 and chasis number MB1HTDHD9KRGB8898 and engine No. KGHZ401219 and it was issued to Mohd. Rafik Nurshan Sheikh. It was issued on the basis of cover note No. 91925551. Policy was sold online and a customer is not required to fill proposal form he can directly purchase from the Online Platform of Company or portal of intermediary selling the policy. I have not filed

cover note on the record.

Que. When policy was sold online how cover note was generated and number is mentioned in the policy?

Ans. I cannot say about it.

4) I have no details when owner was intimated about the cancellation of policy. It is true to say that Exh. 35/1 is the letter issued by the Company to RTO Office Nagpur at Serial No. 292 intimation about the cancellation of policy of offending vehicle was given. However, due to postal stamp one is not able to see the registration number of the vehicle for which policy was canceled. We have informed the Police Inspector of Police Station Bhiwapur on 4/2/26. In said letter date of cancellation of policy is not mentioned. We have refunded the premium amount to the owner, but I have not filed any record to show the refund of the amount.

5) I have not verified the vehicle particulars of vehicle No. MH-40-BL-2845. It is not true to say that we have issued to policy to Tipper No. MH-40-BL-2845. It is not true to say that on the date of accident on 28/04/2023, policy was within validity period and insurance company is liable to indemnify the claimants.

Re-examination- Nil.

No re. ROAC

Before me.

Nagpur
Dated : 10/04/2026

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