

C.P No. 1033/2019
Nikhil Vs ACKO Gen. & Ors
Exhibit : 24

DEPOSITION OF WITNESS NO. 1 FOR THE PETITIONER

I do hereby state on solemn affirmation that-

Further Examination-in-Chief by Adv. Smt. Yogita Masram holding for Adv. P. S. Mirache for petitioner

The affidavit now shown to me bears my signature. Contents therein are correct. It is marked as **Exh.24**. I have filed Form AA, FIR, crime details form and verified copy of disability certificate. They are respectively marked as **Exh.29 to 32**.

Cross-examination by Adv. P. A. Shendre for respondent No.1

2. I am having valid driving licence but its copy is not filed on record. Car driver gave dash to my motorcycle from left side on turning. I was turning towards right side.
3. I was admitted into hospital for three months. I was admitted firstly into Medical Hospital and thereafter shifted to Abhinav Hospital.
4. At the time of accident, I was working at ZIP Laboratory but I have not mentioned this fact either in petition or in my chief examination affidavit. I have not filed any document to show that I was working at ZIP Laboratory and getting income of Rs.10,000/-p.m. It is false to say that neither I was working at ZIP Laboratory nor getting income of Rs.10,000/-p.m. It is false to say that after full recovery, I was discharged from the hospital. It is false to say that I am able to do all work. I have not submitted any proof of my age. I am resident of Brahmapuri and after final discharge from the hospital, I am residing there. It is false to say that I have not purchased any medicine from Nagpur.
5. Disability certificate vide Exh.32 was not issued for Court purpose. I was working in the company but after the accident I left the job. It is false to say that thereafter I am not trying to get any job. It is false to say that due to an accident, my working capacity is not reduced. It is true to say that I am unable to do any work. I have not submitted any document

except disability certificate to show that my working capacity is reduced. I have not obtained any certificate to that extent. It is false to say that as I have not lost any working capacity therefore not obtained such type of certificate. I am willing to examine Dr. Bhatnagar.

6. I have not filed policy of offending vehicle. I do not know whether the offending car was insured at the office of respondent No.1 at the time of accident. I have not tried to collect documents in respect of insurance policy of the offending car. I have not issued any notice to respondent No.2 for requesting it to produce insurance policy of offending car. Insurance company issued notice to produce policy documents according to Exh.16 but I have failed to produce it. It is false to say that in claim petition para No.16, in respect of insurance policy of offending vehicle falsely mentioned. It is false to say that as the offending car is not insured and there was no any contract between respondent No.1 and 2 as on the date of accident therefore respondent No.1 is not responsible to pay any compensation.

7. It is false to say that I have not given any power of attorney to file claim petition on my behalf. I do not know the name of witness of the power of attorney. Power of attorney does not disclose that it was issued for filing claim petition on my behalf. It is false to say that I have filed false power of attorney on stamp of Rs.100/-. It is false to say that I have filed exaggerated and false claim petition to grab compensation from insurance company and deposing falsely.

Cross over.

Re-examination Nil.

R.O.A.C.
Before me.

Date : 15.04.2025

(Sajid A. Syed)
Member
MACT No.3, Nagpur