

DEPOSITION OF WITNESS NO.1 FOR PETITIONER

I do hereby state on solemn affirmation that-

My name : Deepak Dhyandeo Kamble,
Aged : 45 years, Occ.: Service,
R/o : Uday Nagar, Nagpur.

.....

Examination-in-chief of witness by Adv. Shri Anand Shinde 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.20**.

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**, icharge sheet is at **Exh.25**, MLC is at **Article-A**, mechanical inspection report is at **Article-B, C, D**, discharge summary **Article-E**, I have filed on record copies of Adhar Card and PAN card. I have produced original Adhar Card and PAN before Tribunal for verification. The same is as per original. Adhar Card is at **Exh.26**, PAN Card is at **Exh.27**. The disability certificate is at **Article-F**, copy of pass book is at **Exh.28**.

Cross-examination by Adv. Shri Mishra for Respondent No.1.

On request cross examination is adjourned.

(P. B. Naikwad)
Member, MACT-1, Nagpur.
Date: 21.11.2024.

Cross-examination resumed on S.A. by Adv. Shri Mishra for Respondent No.1.

3] It is true to say that respondent No.1 Parag Pralhad Potddar was not the owner of vehicle No.MH-31-EZ-3219. It is not true to say that there was head on collusion. The offending vehicle had given dash in the middle of my vehicle. It is true to say that the offending vehicle had not broken the signal. It is not true to say that my bullet vehicle had dashed the offending vehicle to left side from right side of bullet. It is not true to say that as my bullet had given dash to the offending vehicle, therefore I had fallen down and sustained injuries. It not true to say that Parag Potddar had taken me to Orange City Hospital Khamala in auto rickshaw. It is true to say that Parag Potddar had given call to my son Anish Kamble from my mobile. It is true to say that therefore my son and my wife had come to Orange City Hospital. It is true to say that at that time Parag Potddar met them and had given his mobile number to them. It is not true to say that Parag Potddar informed them that my bullet had given dash to his vehicle therefore I had fallen down and sustained injuries. I do not know as to whether Parag Potdar then gave information to police about the incident or what.

4] It is true to say that mobile number of my son is 7038337717. It is true to say that on 18.03.2022 my son had given return call to Parag Potdar from the said mobile number and at that time my wife had talked to Parag Potdar. It is not true to say that at that time my wife told Parag it necessary to lodge FIR, otherwise no compensation will be awarded.

5] As Orange City Hospital was not empaneled on Indian Oil Corporation, therefore I had shifted from Orange City Hospital to Wockhard Hospital. It is true to say that there was cashless Health Care

Insurance of our corporation with Wockhard Hospital. It is true to say that my Oil Company has paid the hospital charges to Wockhard hospital for my treatment. After discharge from Wockhard hospital I had gone to my home. It is not true to say that as per our company rules the claim reimbursement or cashless health insurance facility, it is necessary to register FIR.

6] I was on leave for 130 days. It is true to say that it was my paid leave. Presently I used to drive four wheeler vehicle. It is true to say that presently I am performing my duties regularly. It is not true to say that I am player of the cricket team of Indian Oil Corporation.

7] I know Dr. Nitin Kimmatkar since the date of my treatment. He is having private hospital. I have not obtained disability certificate from any Government Hospital. It is not true to say that I have not suffered any permanent disablement. It is not true to say that the disability certificate obtained from Dr. Nitin Kimamtkar is false and bogus. It is true to say that I came in Court by walking. It is true to say that I am getting regular salary.

8] It is true to say that the certified copy now shown to me is the certified copy of judgment. It is at Exh.42. It is true to say that in that case my evidence was recorded. Certified copy of my deposition is at Exh.43. It is true to say that deposition of my son Anis was also recorded. It is at Exh.44. It is true to say that I had received notice from the counsel of Parag. It is at Exh.45. Postal receipt is at Exh.46. I had given reply to said notice. It is true to say that Parag had given rejonder to the same. It is at Exh.47. It is true to say that on 02.04.2025 I issued notice to respondent No.2 Michel. It is at Exh.48.

9] It is true to say that 9975456597 is my mobile number. It is true to say that from the said mobile I had given call to Amit Wasekar on his mobile No.9822449524 on dated 24.03.2025 at 12:40 p.m. It is true to say that I had given phone call to Amit Wasekar from the said number from police station and informed him that the vehicle purchased by him is an accident vehicle. It is not true to say that I had given call to Parag Potddar from Sonegaon police station through Raju Bhoyar, on 07.04.2025. It is not true to say that accident occurred as my vehicle had given dash to the vehicle of Parag Potdar. It is not true to say that there was no negligence of Parag Potdar in the said incident. It is not true to say that I am not entitled for any claim. It is not true to say that I have not suffered any disablement. It is not true to say that I have filed false claim and deposing falsely.

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: 21.04.2025.

(P. B. Naikwad)
Member, MACT-1, Nagpur.
Date: .21.04.2025