

DEPOSITION OF WITNESS NO.1 FOR PETITIONER/RESPONDENT NO.

I do hereby state on solemn affirmation that-

My name : Prakash Raghunath Kanfade,
Aged : 56 years, Occ.: Labourer,
R/o : Khapri Subhedar, Tah. & Dist. Nagpur.

Examination-in-chief of the witness by Adv. A.S. Deshpande 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.23**.

2] I have filed on record documents below list Exh.4. Form-AA is at **Exh.31**, FIR is at **Exh.32**, spot panchanama is at **Exh.33**, inquest panchanama is at **Exh.34**, postmortem report is at **Exh.35**.

3] I have filed document below list Exh.30. The copy of death certificate is filed on record. I have brought the original certificate for verification. The copy filed on record is as per original. It is at **Exh. 36**. acknowledgment is at **Exh.37**, postal receipt is at **Exh.38/1 to 38/4**, reply notice is at **Exh.39**, the envelopes are at **Exh.40 and 41**, policy of insurance is at **Article-A**, 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.42 to 45**.

Cross-examination by Adv. Smt. Mitali Lokhande for Respondent No.1 & 2.

4] At the time of incident my son was coming to home from Butibori on two wheeler vehicle. Said two wheeler vehicle was owned by him. It is true to say that the motorcycle of my deceased son had given dash to the standing tractor. Incident took place at about 06:00 p.m. The place of incident is a public way. The road where accident took place is a narrow one and one vehicle only can pass at a time. My son was wearing spectacle. My son was holding driving license. The insurance of motorcycle was valid. I have not filed the same on record. The motorcycle was damaged. It is not true to say that accident took place as my son was driving vehicle at a high speed. It is not true to say that accident took place due to fault of my son. My son died in the hospital. I have filed on record the

Exh.23

hospital papers. He had sustained injury to head. At the time of incident had not worn helmet. I have not filed on record any document to show that my son was working with police station.

5] I am doing agricultural labour work. I am not having my own land. I used to earn Rs.300 to 400/- per day. My wife also used to go on labour work. My son used to come to meet us. He was educated upto 12th standard. My daughter's are not yet married. They are taking education. It is true to say that my deceased son was unmarried. I am having two daughters. It is true to say that my son was taking police training and was studying. It is true to say that he had joined police station prior to 7 or 8 days of the accident. I have not filed on record hospital papers. It is not true to say that I deposed falsely that I incurred expenses of Rs.1,50,000/- on his treatment. It is not true to say that accident took place due to fault of my son, therefore insurer is not liable to pay any compensation. It is not true to say that as the tractor was not insured, therefore insurance company is not liable to pay me any compensation. It is not true to say that I have filed false and exaggerated claim. It is not true to say that I am deposing falsely. The tractor was owned by Mr. Husukle. It is not true to say that the place of incident was the field of Mr. Husukle.

Cross-examination by Respondent No.3.

Respondent No.3 and his counsel absent when repeatedly called. Hence cross examination Nil.

Cross-examination by Respondent No.4.

Respondent No.4 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: 01.08.2024.

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