

CP No. 1165/2019

Exh. 13

Cross-examination of witness Prakash Kanfade (PW 1) by learned Advocate Sanjay Jogewar for respondent Nos. 3 & 4:

Witness Prakash and his Advocate both are absent till 3:00 pm. Learned Advocate for respondent Nos. 3 and 4 is ready to cross-examine the witness and also to pay him bhatta Rs. 300/- as per order dated 07/10/2024.

Matter is old. Whereas witness is absent, learned Advocate for respondent Nos. 3 and 4 is unable to cross-examine him. Due to absence of witness his cross-examination stands closed. Re-examination – Nil.
R.O.A.C.

Before me

Sd/-

Dt/-25/11/2024.

(Smt. M.A. Baraliya)
Member,
Addl. Temp. MACT, Nagpur.

In view of order below Exh. 51, cross examination of the witness resumed on S.A. by learned Advocate Shri Sanjay Jogewar, for respondent No. 4 :

I studied up to 4th Std. My affidavit of evidence is in English. I do not know to read and write English. In my affidavit the facts about the accident are mentioned. I have not annexed any document to show agricultural income and other income source from temporary job in the police station Butibori. I have produced the documents in respect of hospitalization of my son and his medicine. The date of accident is 02/03/2017. It is correct to say that my daughter lodged the report of accident on 16/03/2017. It is correct to say that my son died on 09/03/2017. It is correct to say that report came to be lodged on 14th day of accident and after 8 days of the death. As we were worried and looking after health condition of my son, there is a delay to lodge the report. Now, I am shown copy of FIR Exh. 32, I cannot say that her signature is there in column No. 14 in the caption as complainant/informant.

It is not correct to say that Ritesh was habitual to drink. It is not correct to say that on the date of accident also, he was driving motorcycle under influence of drink. It is not correct to say that his motorcycle got slipped on a stony road and that therefore, he met with an accident. It is correct to say that after accident, my son was admitted in Swasth Care Hospital and there he succumbed to the injuries. It is correct to say that

I had issued notice to respondent Nos. 3 and 4 – the driver and owner of tracker No. MH40-A-1744. It is correct to say that the tractor owner Anil Husakle was expired in the year 2015 before this accident. It is correct to say that the said tractor was standing in the name of Anil Husakle. I know that respondent No. 3 Gaurav s/o Anil Husakle is engineer by profession. It is not correct to say that he is neither owner of the said tractor and never drove it. Now I am referred with my notice reply dt. 22/12/2017 Exh. 39. It is not correct to say that I did not receive first notice reply issued by the opponents. Later on I received there reply which is Exh. 39. It is correct to say that Gaurav had been acquitted in the prosecution of accident case. It is not correct to say that Gaurav was neither owner neither driver of the said tractor at the material time. It is not correct to say that my claim is false. It is not correct to say that I issued a false notice to him and that my petition and affidavit are false.

Cross-examination for respondent No. 3-A

Respondent No. 3-A and Advocate absent when called out, hence, no cross.

Re-examination – Nil.

R.O.A.C.

Dt/-09/12/2024.

Before me
Sd/-
(Smt. M.A. Baraliya)
Member,
Addl. Temp. MACT., Nagpur.

CERTIFICATE

I affirm that the contents of this evidence are word to word as per original evidence uploaded in the CIS System by way of PDF File.

Name of Stenographer : A.W. Sangle.