

Witness no.01 for the petitioner

**Further examination-in-chief by and on behalf of the petitioner by
Adv. Jeeni Antony resumed on solemn affirmation, on 13/10/2023**

24] I have filed my affidavit of evidence on record. It is prepared as per my instructions. Its contents were read over and explained to me. Same are true and correct. It bears my signature.

25] I have filed certified copy of FIR no. 0239/2018, of spot panchanama, both dated 17/04/2018 and of chargsheet. Copies now shown to me, are the same. (Certified copy of FIR no. 0239/2018, of spot panchanama, both dated 17/04/2018 and of chargsheet are at **Exh.20, 21 and 22** respectively.)

26] (As opponent no.02 has admitted insurance policy in written statement, Exh. 14, certified copy of insurance policy is exhibited at **Exh. 23.**)

Cross examination by and on behalf of opponent no. 01

27] See Order below Exh. 01, dated 18/02/2021

28] In view of order passed below Exh. 01, dated 18/02/2021, petition, Exh.01 proceeded ex-parte against opponent no. 01.

Cross examination by and on behalf of opponent no.02 by Adv. A.K.

Tiwari

29] I have not seen car proceeding towards me. I was at the distance of approximately 25 to 30 ft. from said car. Road at the spot of the accident was approximately 30 ft. wide. There was no divider on the road. I was at the distance of approximately 10 to 15 ft. on said 30 ft. wide road. It is not true to say that, I had stopped on the road. But I was moving slowly. It is not true to say that, I was about to turn towards right side. It is not true to say that, accident took place as I suddenly came in the middle of the road. It is not true to say that, accident took place due to my negligence. It is not true to say that, I have provided incorrect information to police about manner of the accident. It is not true to say that, I am deposing false that, said accident took place due to negligence of car driver. It is not true to say that, I am deposing false that, car driver had argument with an auto driver and then he suddenly pressed the accelerator of the car. It is not true to say that, I am deposing false that, I was admitted in the hospital for treatment and that, I had expended around Rs.10,00,000/- for my treatment. It is not true to say that, contents of para 09 of my affidavit, are incorrect.

30] Dr. Samir Lokare has not treated me. I had not been to my treating doctor for disability certificate. It is not true to say that, my advocate suggested me to go to Dr. Lokare. It is not true to say that, I had been to Dr. Lokare for disability certificate at higher side. It is not true to say that, I am deposing false that, I suffered 40% disability.

31] I have filed income tax return for the assessment year 2018 - 2019. It is not true to say that, I am deposing false that, I was doing

business of garments and that, I was earning Rs.04,62,444/- out of said business. I have no certificate of closure of my business.

32] Police had visited hospital, on the date of accident. Police recorded my statement on the same day. It is not true to say that, in my statement on the next day of the accident, I have falsely made allegations regarding involvement and negligence of said car. It is not true to say that, I have made incorrect calculations of compensation in para 18 of my affidavit. It is not true to say that, contents of my affidavit, are incorrect. It is not true to say that, I am deposing false to claim highest compensation from opponent no.02. It is not true to say that, opponent no.02 is not liable to pay any compensation as there is breach of terms and conditions of insurance policy.

Re-examination :

33] Nil

Before me

R.O.A.C.

Sd/xxx

Sd/xxx

(S. N. Shah)

(S.N.Shah)

Member, M.A.C.T., Thane

Member, M.A.C.T., Thane

Thane

Date :- 13/10/2023