

A(ECA) No. 99/C-33/2018

Exh. U-9

Examination in chief resumed on fresh oath -

9) I have filed affidavit of examination in chief on record. It bears my signature. Its contents are true and correct.

10) Certified copy of station diary dtd. 25/01/2018 is at **Exh. U-14.** Certified copy of my discharge card and other medical papers are collectively marked as **Exh. U-15.** Copy of my driving licence is at **Exh. U-16.** (Witness produced original driving licence for inspection. After inspecting original xerox copy is exhibited.)

Cross Examination by Adv. A. K. Singh opponent No. 1 :-

Absent when called hence no cross examination.

Cross Examination by Adv. Kalpana Trivedi for opponent No. 2 :-

11) I started my profession as a driver in the year 2016. I was driver on the vehicle of opponent No. 1 Arun Mahadev Shilwant. I know opponent No. 1 from 2 to 3 years. I started driving vehicle of opponent No. 1 in the year 2016. Usually I used to sit on steering at 8.00 a.m. and left the steering at about 3.00 p.m. I used to pay income of Rs. 500/- to 600/- per day to opponent No. 1. After deducting the amount of fuel gas I used to give Rs. 200/- per day to opponent No. 1. I do not know that who used to drive vehicle after 3.00 p.m.

12) It may be possible that somebody was driving vehicle of opponent No. 1 in second shift. I have no appointment letter to

show that I was appointed as driver by opponent No. 1. Opponent No. 1 used to give salary of Rs. 8,000/- per month to me in cash. It is not true that I used to give income of Rs. 6000/- per month to opponent No. 1, however he used to give salary of Rs. 8000/- per month to me. Witness volunteers that opponent No. 1 did not pay me salary of Rs. 8000/- per month to me regularly. It is not true that accident did not occur during the course of employment with opponent No. 1. It is not true that there was no employer-employee relationship between opponent No. 1 and me. It is true that I used to drive vehicle of opponent No. 1 from 7.00 a.m. to 3.00 p.m. It is not true that opponent did not pay me salary but I was plying auto-rickshaw on rent basis. It is not true that I completely recovered from the injuries therefore hospital discharged me. It is not true that today I have no disabilities arising out of accident. Even after discharge from the Rajawadi Hospital I was under treatment on OPD basis. I have not filed OPD papers on record. Doctors of Rajawadi hospital refused to give me disability certificate therefore I approached to Dr. Khanna for disability certificate. It is not true that I had no disability, doctors of Rajawadi hospital refused to issue disability certificate to me. It is not true that today I have no disability. I visited to Dr. Khanna for 3 times. Dr. Khanna medically examined me and also obtained X-ray. I have not filed X-ray plate on record. Today I am jobless. I do not know the expiry date of my driving licence. I have not surrendered driving licence because I know that it is necessary to show in the court for getting compensation. It is not true that today also I am driving auto-rickshaw on the basis of licence

which is valid till September 2025. It is not true that insurance company is not liable to pay compensation to me. It is not true that there was no employer-employee relationship between opponent No. 1 and me. It is not true that I was not getting salary of Rs. 8,000/- per month from opponents.

Cross examination completed.

Re-examination- Nil.

R.O.A.C.

Date : 08/08/2024

ppk/-

Sd/-
(D. R. Dande)
Commissioner for Employees
Compensation & Judge
Third Labour Court, Mumbai.