

Resumed on S.A.

Examination-in-Chief and Cross-examination is conducted in Hindi and for the sake brevity; it is recorded in English. I have filed an affidavit at (**Exh. U-11**). It bears my signature and contents therein are true and correct.

Further Examination-In-Chief by Advocate Shri. H. Husain for the Applicant :-

10. I have filed certified true copies of FIR, Inquest Panchnama at Exh. U-12/1 & 2 (page no. 1 to 8). The documents are certified copies. Hence, are collectively exhibited as **Exh. U- 13**.

11. Exh. U-12/3 (page No. 9 to 12) – are my Medical Papers i.e. Casualty Case Paper, Final Bill Summary and Discharge Summary. The documents are collectively exhibited as **Article-A**.

12. Document at Exh. U-12/4 (page No. 13) – is Disability Certificate issued by Dr. Naresh Khanna. Document at Exh. U-12/5 (page No. 14) – is Photo Copy of my Driving License.

Examination-In-Chief complete.

Cross-Examination by Opponent No.1 :-

13. Opponent No.1 is absent when called. It is submitted by Ld. Adv. for Applicant that, Adv. Shri. S. C. Tripathi for Opponent No.1 is no more. Hence, no cross examination.

Cross-Examination by Advocate Shri. D. R. Mahadik for the Opponent No.2 :-

14. I have not filed any document to show that; I was

working as a Driver with Opponent No.1. It is true to say that; I have not filed any document to show that; I was getting monthly salary of Rs. 8,000/-. It is not true to say that; I was not working as a driver on container no. MH43/U3910 and I was not getting monthly salary of Rs.8,000/-. The accident occurred to me because of failure of breaks of my vehicle. Two vehicles were involved in the accident. I have not filed any case before any court or forum claiming compensation from the insurance company with which the other vehicle was insured and owner of the other vehicle.

15. I did not receive any compensation from Opponent No.1. It is not true to say that; the medical papers filed in the present matter are false. It is not true to say that; I am not disable and I am fit to drive the vehicle.

16. I have undergone medical treatment from MGM Hospital, Navi Mumbai and thereafter, I got medical treatment from private hospital. I am unable to recollect the name of the private hospital. It is true to say that; I have not filed any document about the treatment taken by me from the private hospital.

17. It is not true to say that; the disability certificate issued by Dr. Naresh Khanna, filed by me in the present matter is false. I have not brought my original driving licence with me. Witness volunteers that, the original driving licence is lost. I have not lodged any complaint about the lost driving licence, with Police or RTO. It is not true to say that; I have renewed my driving licence and therefore it is not filed before this Court. It is not true to say that; at present also I drive vehicle and I have

not cancelled my driving licence till today. It is not true to say that; my driving licence, permit and fitness certificate of concerned vehicle was not valid at the time of accident therefore, Opponent No.2 insurance company is not liable to pay compensation. It is not true to say that; there was no employer-employee relationship between Opponent No.1 and myself therefore, Opponent No.2 Insurance company is not liable to pay compensation. It is not true to say that; the contents of para no. 6 of my affidavit are false.

18. I have not filed any document to show that, Opponent No. 1 has terminated my services after accident. It is not true to say that; I still work with Opponent No.1. I have not sent any notice/legal notice about the said accident and claiming compensation to Opponent No.1 and/or Opponent No.2 Insurer. It is not true to say that; Opponent No.2 Insurer is not liable to pay compensation, interest and penalty to me. It is not true to say that; the contents of my affidavit are false.

Cross-Examination complete.

Re-Examination – Nil.

Before me

sd/-

(S.M.Aundhkar)

Commissioner for Employees'
Compensation & Judge of
8th Labour Court, Mumbai.

Place : Mumbai

Date : 17.06.2023

JSG/-