

On oathFurther examination-in-chief by Learned Advocate Shri. V. N. Kharat for the Applicants :

8. My name is Ashok Mahadev Patil. My age is 49 years. I am residing at Kamothe, Panvel. At present, I am driving the auto rickshaw. I have signed this affidavit. The contents of the affidavit are as per my say. I have filed documents with list Exh.U-34. Now, I have shown document at Sr.No.1 of list Exh.U-34. It is certified true copy of my aadhar card. Original is produced for verification. After verification, it is returned to the witness. It is marked as **Exh.U-35**. Now, I have shown document at Sr.No.2 of list Exh.U-34. It is certified true copy of my Pan-card. Original is produced for verification. After verification, it is returned to the witness. It is marked as **Exh.U-36**. Now, I have shown document at Sr.No.3 of list Exh.U-34. It is certified true copy of my driving license. Original is produced for verification. After verification, it is returned to the witness. It is marked as **Exh.U-37**. Now, I have shown document at Sr.No.16 of list Exh.U-7. It is the original copy of salary certificate issued by me to the deceased. The contents are true and correct. It is marked as **Exh.U-38**.

Further examination-in-chief is completed.

Cross-examination by Opponent No.1 :

9. The Learned Advocate for opponent No.1 called out repeatedly, but he remained absent. Hence, no cross-examination

.. 4 ..

by opponent No.1. Now, I have shown Exh.U-17. It is my statement dated 15/12/2019 recorded by the police.

Cross-examination by Learned Advocate Shri. Dichwalkar for Opponent No.2, Insurance Company :

10. I have filed documents on record to show that I am the owner of auto rickshaw No.MH-46/AZ-3413. My statement dated 15/12/2019 is correct that, deceased was driving my auto rickshaw No.MH-46/AZ-3413 since last one year and he paid me Rs.200/- per day and deceased was earning daily Rs.500/- to Rs.600/-. I have not maintained the register mentioning the date and timings to run the auto rickshaw. I have not maintained the attendance and wage registers. Except the salary certificate, I have no other document to show that the deceased was in my employment at the relevant time of accident. It is not true to say that the deceased was not working with me as a driver and I have filed false affidavit before this Court. It is not true to say that there is no 'employer-employee' in between me and deceased at the relevant time of accident. I come to know from the relatives of deceased that, the deceased met with an accident when he parked the said auto rickshaw on the road and went to natural call near railway track, at the time, one unknown local train dashed to him. Now, I have shown Exh.C-4. It is written statement filed by me. The contents of it are true and correct. It is signed by me. I cannot read and write the English language. My Advocate read out me the

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contents of my written statement in Marathi. I took understand the contents of my written statement after explaining it by my Advocate. The contents of paragraph No.6 and 7 of my written statement are correct. I have received the documents in respect of main claim application filed by Applicants. After receiving claim notice, I have not deposited the compensation amount of Rs.8,65,400/- in this Court. I have taken the insurance of my auto rickshaw from Shriram General Insurance Company. I cannot produce the insurance policy of Shriram General Insurance Company as its validity is expired. I have not corresponded with Shriram General Insurance Company in respect of the said claim. It is not true to say that I know that deceased was not working with me and therefore, I have not deposited the compensation amount in this Court and I have also informed to the Insurance Company about the accident of deceased. It is not true to say that I deposed before this Court only to help the Applicants, because the deceased was my relative.

Cross-examination is completed.

No re-examination.

R.O.A.C.

Sd/-

(Dr. Priya P. Shinde)
Commissioner for Employees'
Compensation & Judge,
7th Labour Court, Mumbai.

Place : Mumbai.
Date : 16/10/2025.
Rry/-