

Witness present and duly sworn on 12.12.2019**Examination in chief of PW by advocate for Petitioner;**

Today, I have filed affidavit in lieu of my examination-in-chief and the contents of the said affidavit are true and correct to the best of my knowledge and I have signed to the affidavit.

The following documents are marked as;

Ex.P19 Disability Assessment report

Ex.P20 X-ray

Ex.P21 OP record

Cross examination of PW by Sri CBA Advocate for R2;

Since from 4 years I am working in Sanjay Gandhi hospital. Injured not present today in the court. I am not treated the patient. I am aware of line of treatment took by the patient. I have perused wound certificate, discharge summary. It is false to suggest that the petitioner physical not appeared before me for assessment of disability. I have seen the document of earlier treatment but I have not consulted the doctors who have treated the petitioner earlier. Petitioner sustained fracture of both bones of left leg which are grievous in nature and other injuries are simple in nature. As per discharge summary of Abhaya Hospital the condition of the patient is stable. I have seen the discharge summary of N.R. Acharya Hospital. I have seen the follow-up records of Abhaya Hospital. It is false to suggest that the petitioner has not produced the follow-up records hence there is no chance of perusal of follow-up records. I am deposing falsely that I have seen the follow-up records of petitioner. I have examined the petitioner once at the time of assessment of disability. I have observed old x-rays while assessing disability. I have produced X-ray but not produced x-ray report. It is true to suggest that the wounds are healed the fractures are united. It is true that the course of treatment is completed. It is false to suggest that the observation made by me in para -6 of my chief affidavit

are not according to guidelines and clinical assessment. I have followed recent Ministry of Social Justice and Empowerment guidelines.

The petitioner was running Beeda stall. It is true the petitioner can do his avocation with some difficulties. Implants are insitu. It is false to suggest that because of implants are insitu there is an restrictions in movement. It is false to suggest that in Ex.P19 I have mentioned the some of complaints which are not complained by the petitioner. It is false to suggest that to help the petitioner I have assessed disability for mobility component and stability component in higher side. It is false to suggest that as the implants are insitu the disability assessed by me is premature. I have not advice for physiotherapy treatment. It is false to suggeset that if the petitioner underwent physiotherapy treatment the percentage of disability may decreased. It is false to suggest that the disability assessed by me is on higher side. It is false to suggest that in such type of injuries disability cannot be more than 9%. It is false to suggest that as I am not treated doctor hence, I am not competent to assess the disability. It is false to suggest that petitioner not required any further surgery and not required cost of Rs.15000/-.

Re-examination: Nil.

(Compurterised to my dictation in the open court)

R.O.I & A.C.,

1st Addl. Judge and ACMM