

Witness present and duly sworn in on:23.05.2018.

Chief Examination by Sri. Advocate for Petitioner.

I have filed my affidavit in lieu of my examination-in-chief and the contents of the said affidavit are true and correct and it bears my signature.

Today I have produced the following documents in support of the case:

- Ex.P.14 recent clinical examination report
- Ex.P.15 disability evaluation form with calculation
- Ex.P.16 inpatient case sheet
- Ex.P.17 one recent x ray

Cross examination by Respondent counsel for R.2:

Patient has taken initial treatment at People tree hospital, Kalyan nagara. Patient was inpatient in my hospital from 28.11.2017 to 06.12.2017. Fracture of tibia was operate and fracture of fibula was treated conservatively. Likewise, medial melleous of right tibia was treated conservatively. All fractures are united. there is no shorting of limb. He came to hospital 6-8 time for follow up treatment. In that respect, it is not mentioned in inpatient record. Right now I don't have document for follow up treatment. the petitioner was constantly complaining as stated in para.3 of my affidavit. Few records are with the patient and few with the hospital.

I have applied the central Govt notification for assessment of disability. I have noted the calculation and

evaluation in Ex.P.15 but I did not note the same in affidavit. Due to age there is slight restriction of movements in petitioner. Likewise, there is reduction of muscle strength. I have assessed all the fractures. It is false to suggest that I have assessed disability in respect to particular limb and whole body on higher side to help the petitioner to get higher compensation. though fractures are united and there is no shorting of limb special reasons for my assessment to particular limb 40% and whole body 14% is , there is restriction of range of motion of right knee and ankle reduced by 6% each muscle power reduced by 6% each and loss of right lower limb stability of 24%. It is true that mobility and muscle strength is related to age factor but in this case the accident has superceded these two components.

I did not assess functional disability but only physical disability. Implant is not yet removed. He shall require surgery after 2 ½ -3 years. It is true to suggest that some time it may also take 1 ½-2 years. Since the fracture is united the presence of implant will not effect the disability. It is false to suggest that after removal of implant complains may reduced. The witness states that disability is permanent. The pain may subside. It is true to suggest that removal of implant cost various from hospital to hospital. I have no idea that Govt hospital may cost 10,000-15,000 for removal of implant. I did not produce estimation of surgery cost. It is false to suggest

that my surgery cost assessment is on higher side. It is false to suggest that the facts and disability stated in my affidavit is exaggerated, exorbitant and without basis. It is false to suggest that in order to help the petitioner to get compensation, I have filed false affidavit. The petitioner must be 70 year old approximately.

Re examination : Nil

(Evidence deposed by the witness is computerized to my dictation in the open court).

R O I & A C

***V Addl. Court of Small Causes
Judge,
Member MACT & 24th ACMM.***