

Witness is present and duly sworn on 28.07.2026.

Chief Examination by Counsel 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.

Ex.P.12 and 12(a)	Disability certificate with assessment proforma and Signature
Ex.P.13	One X-ray

Hence, prayed to allow the petitioner.

Cross Examination by Counsel for respondent No.02.

It is true that immediately after accident I have not treated the petitioner. It is true that generally on the information received from patient regarding accident will be mentioned in the hospital record. It is true that I am not working in KIMS or Balaji Hospital or Ashoka Hospital, Hubballi. It is true that I have not seen the petitioner while he was undergoing treatment at the said hospitals. It is false to suggest that the petitioner came tome for disability assessment on 25.09.2025. It is true that prior to 25.09.2025 the petitioner never came to me for checkup or treatment. It is false to suggest that the petitioner never came to me as outdoor patient with OPD

Number. 666/2025. Since OPD slip is with the petitioner, I have not produce it. I have not produced the OPD register maintained in my clinic. It is false to suggest that the petitioner never came to me for any treatment or disability assessment. It is false to suggest that I have not advised him future treatment.

It is true that on the basis of the xerox copies of the documents furnished by the petitioner, I came to know about the details of the accident and injuries sustained by the petitioner. I have not verified the xerox copies of documents furnished by the petitioner with the concerned hospitals. I have not produced the said xerox copies of the documents in this case. It is true that as per Ex.P.04 the petitioner was not admitted as inpatient at KIMS hospital. For the purpose of disability assessment the petitioner has shown me the xerox copy of Ex.P.07. As per Ex.P.07 the petitioner was admitted to Ashoka Hospital on 09.05.2024. As per Ex.07 the history of illness of the petitioner is shown as alleged RTA on 02.05.2024 at 1.30AM inbetween Bike and Trax and C/O Right shoulder II right leg fracture with pain and

swelling. It is true that as per Ex.P.07 the accident took place between Bike and Trax. I was informed by the petitioner that inbetween 02.05.2024 and 09.05.2024 he was taking treatment at Balaji Hospital, in this regard I have not verified the documents. I have not asked petitioner whether he has produced the documents pertaining to treatment taken as Balaji Hospital. It is false to suggest that for the injuries sustained in the alleged accident on 02.05.2024 the petitioner has not taken any treatment.

It is true that generally if there is shoulder or neck fracture a person would immediately go to the hospital for treatment. It is false to suggest that tyhe petitioner has falsely taken disability certificate by showing the medical records pertaining to the injuries sustained by him elsewhere.

It is false to suggest that the petitioner has not come to me on 25.09.2025 with complaints of pain, stiffness, weakness, deformity in right upper limb. It is false to suggest that I have falsely stated that I advised

the petitioner medicine, physiotherapy and implant removal. It is true that in Ex.P.12 I have not mentioned which type of medicine and physiotherapy were advised by me to the petitioner. It is false to suggest that the petitioner never came to me and I have not treated him and not advised him any medicine.

It is false to suggest that the petitioner has not sustained the disabilities as stated in para No.04 of my chief examination affidavit. It is false to suggest that Ex.P.13 is not the X-ray pertaining to the petitioner. It is true that the said X-ray is not taken in my clinic. It is true that as per Ex.P.13 fracture sustained by the petitioner is united.

It is false to suggest that I have falsely assessed the physical disability of the petitioner at 25% to right upper limb. It is also false to suggest that I have exaggerated the physical disability of the petitioner. It is false to suggested that I have not followed the Government of India guidelines in assessing the disability. I have enquired with the petitioner about his occupation

at the time of disability assessment. The said fact is not stated in my chief examination affidavit or Ex.P.12. I have not advised the petitioner in writing regarding the works which he should not do. It is false to suggest that Form-A annexed to Ex.P.12 is false. It is false to suggest that the petitioner never came to me for disability assessment and that the petitioner has not sustained any permanent disability. It is false to suggest that even though the petitioner has not sustained any injury or physical disability, I have falsely issued disability certificate.

Re-Examination : Nil

(Typed in the open court in my dictation)

R.O.I & .A.C.

**III Addl. Sr. Civil Judge &
C.J.M., Dharwad.**