

**IN THE COURT OF SENIOR CIVIL JUDGE AND MACT-XV**  
**JEWARGI**

MVC 1122/2020

PW-2

Witness duly sworn on this on 02-02-2024

Deposition of : Dr.Kishor Mengaji  
Father Name : Sadanand Mengaji  
Age : 60 years  
Occupation : Orthopedic Consultant  
Residence : Kalaburagi

**Examination Chief of witness by Sri SAK advocate for petitioner**

I have examined one Ashok Rathod for the purpose of issuing disability certificate on 01-10-2022. At the time of issuing disability certificate, I have verified would certificate and discharge card of the petitioner. I have clinically examined and took X-Ray of related part i.e., right knee of the petitioner. I have assessed the disability at 21% to the right lower limb of the petitioner as per the guidelines. It is difficult for the petitioner to do agricultural activities. The petitioner faces difficulty while sitting squatting.

Now I have seen Ex.P9 disability certificate which bears my signature. Witness identifies his signature. Hence witness signature is marked as Ex.P9(a).

**Cross examination by Sri. VCOMP. Advocate for respondent No.2**

it is true to suggest that I have not examined the petitioner as on the date of accident. It is further true to suggest that only in order to issue disability certificate, I have examined the petitioner. I have examined the petitioner on 01-10-2022. Thereafter, I have not examined the petitioner. Recently, I have not issued disability certificate to the petitioner. It is true to suggest that on basis of disability certificate issued in the year 2022, I am giving evidence. I have clinically and radiologically examined the petitioner. Petitioner has sustained fracture of tibia and fibula of right leg. I have issued disability certificate to the extent of 21% to the particular limb as well as to the whole body. There are no guidelines to issue disability certificate to the particular limb as well as to the whole body. It is true to suggest that, I have not mentioned as per which guidelines, I have issued disability percentage in my evidence affidavit. However witness voluntaries that, I have referred the guidelines in the disability certificate itself. It is false to suggest that, I cannot say do the petitioner has any disability as on today. Witness voluntaries that, I have issued disability certificate considering the aspects of its permanent nature.

At present there are document i.e., disability certificate and form 'A' to show that petitioner suffers disability. It is false to suggest that at present petitioner doesn't suffer any disability. It is false to suggest that petitioner can work normally as he used to work before the accident. It is false to suggest that though petitioner does not have any disability but in order to help the petitioner I have issued disability certificate and giving false evidence.

**Cross examination by Sri. BRP. Advocate for respondent No.4.**

Counsel for respondent No.4 submitted that he will adopt the

cross-examination made by respondent No.2 counsel.

Re-examination as nil.

(Typed to my dictation in the open court)

ROI & AC

Senior Civil Judge & MACT-XV, Jewargi