

IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND
MACT., MYSURU.
MVC.NO. 1304/2024

Witness Name	:	Dr. Manu Prakash H.S.	PW.2
Father Name	:	Somegowda	
Age	:	48 years	
Occupation	:	Consultant Orthopedic surgeon, Mysuru.	
Residence	:	Mysuru	

Witness called and duly sworn on: 16.07.2026

EXAMINATION IN CHIEF BY: SRI. NBR LEARNED COUNSEL FOR
PETITIONER:

Now I see the affidavit filed in lieu of my examination in chief, the same bears my signatures. The same is prepared as per my instructions and i am aware of the contents of the same. The contents of the affidavit is true to the best of my knowledge, information and belief.

Ex.P11	The entire case sheet pertaining to petitioner
Ex.P12	One OPD slip
Ex.P13	4 X-ray films (<i>collectively marked</i>)

CROSS EXAMINATION BY: SMT. KLS LEARNED COUNSEL FOR
RESPONDENT NO.2:

1. The petitioner had produced X-ray film procured at Pralaksha Hospital before being admitted to N.J. Hospital and apart from that no other documents had been produced. The doctors at Pralaksha Hospital had not done any dressing of the wound.

2. After being discharged from the Hospital on 16.04.2024 the petitioner had been consulting me until 15.07.2026 but I do not have documents in that regard. The very fact that I have not produced documents regarding consultation visits goes to show that the petitioner had not consulted me for follow up treatment. It is false to suggest that the petitioner consulted me on 15.07.2026 only for the purpose of assessing disability. My evidence today is based on findings in the Ex.P12.

3. It is false to suggest that I have prepared Ex.P12 to suit the preconceived extent of disability and the contents of the said document are hypothetical or false. It is true to suggest that I have not set out the details of the uninjured limb so as to compare it with the present condition of the limb on which the petitioner had injuries either in my affidavit or in Ex.P12.

4. As per my diagnosis the petitioner has no issues with hip joint and ankle joint. It is true to suggest that as per the guidelines issued by Government the normal range of flexion is 0 to 135 degrees. I have mentioned that loss of movement on the knee joint as reduced by 50 degrees as petitioner had flexion of 0 to 100 degrees only and as regards extension he has 10 degrees lag. It is false to suggest that even if my assertions are accepted the loss of range of movement of the knee joint would not be 50 degrees as mentioned by me. It is true to suggest that if the normal range is considered at 0 to 135 the extent of loss of range of movement on the knee joint would also change.

5. It is false to suggest that considering the fact that the injuries were sustained in the year 2024 and more than two years have elapsed, the loss of muscle strength determined me as 1 grade cannot be accepted and the same is not proper. It is true to suggest that in order to regain muscle strength and to reduce the restriction in the range of movement physiotherapy is the only available remedy. I had advised the petitioner to undergo physiotherapy sessions at the time of discharge. It may be true to suggest that the fact that the petitioner has reduction in the muscle strength by one grade goes to the show that he had not undergone physiotherapy sessions as advised by me and had he undergone the same he would not have the said issue.

6. I have only mentioned the approximate amount which the petitioner might incur for removal of implants. I have not issued any document containing the breakdown of the costs which the petitioner might incur for surgery. It is true to suggest that I have not mentioned anything in the case sheet to show that the petitioner had complained of pain earlier. Witness states that the recent X-ray revealed early signs of arthritis. It is false to suggest that the very fact that I have not mentioned anything regarding the pain in earlier records goes to the show that just to arrive at higher percentage of disability I have mentioned 3% disability for mild pain.

7. Upon being suggested that due to non usage of the limb the early signs of arthritis are found in a patient, witness states that that could be one of the causes but when it comes to the petitioner he had the said issue due to fracture sustained by him. It is false to suggest that

because the fracture sustained by the petitioner have united as per my own statement the arthritis could not be due to the fracture sustained by him.

8. It is false to suggest that since I have assessed the disability to suit the convenience of the petitioner and have mentioned exaggerated percentage of disability. It is false to suggest that I have assessed and fixed higher disability in gross violation of guidelines in order to support the claims of the petitioner for higher compensation. It is false to suggest that as the fractures have united the petitioner should not have any issues in performing his day to day activities. Witness states that the petitioner will experience slight difficulty.

9. It is false to suggest that the injuries sustained by the petitioner could not have resulted in 23% disability for the left lower limb. I am aware that as per the guidelines only the physical disability to the particular limb can be assessed. It is true to suggest that the whole body disability assessed by me does not fall within my purview. It is false to suggest that considering the fact that the fractures have united, the petitioner has not suffered any permanent partial physical disability due to injuries sustained in the accident and yet I have falsely assessed the disability.

10. It is false to suggest that since I have assessed the disability to suit the convenience of the petitioner and have mentioned exaggerated percentage of disability. It is false to suggest that in order to support the compensation claims of PW.1, I have issued a false disability

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certificate despite the fact that PW.1 has not suffered any such disability.

RE-EXAMINATION – NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

Prl. Judge.

Court of SC., & MACT., Mysuru