

**IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND
MACT., MYSURU.
MVC.NO. 227 / 2023**

Witness Name : Dr. T.M. Kalappa **PW.3**
Father Name : Late T.K. Muthanna
Age : 54 years
Occupation : Consultant Oral and Maxilofacial
Surgeon, Mysuru
Residence : Mysuru

Witness called and duly sworn on: 10.03.2025

**EXAMINATION IN CHIEF BY: SRI. BS 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.P22 & P23	Two IP case sheets pertaining to the petitioner
Ex.P24	One X-ray film

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

1. It is true to suggest that before being admitted to Vidyaranya hospital, the petitioner had obtained treatment at K.R. hospital, Mysuru. Upon admission to our hospital, a surgery for removal of implants was performed. Witness states that the petitioner had infection due to implants as such it was removed and later reconstruction was done. The reconstruction surgery was done on 30.11.2022.

2. Though the petitioner has consulted me for follow-up treatment

even after being discharged from the hospital between 06.12.2022 to 10.12.2024, I have not produced documents regarding consultation visit. It is false to suggest that since the reconstruction surgery was already done, there was nothing left to be done as such the petitioner never consulted me for follow-up treatment as is being claimed by me.

3. The petitioner has lost totally five teeth in the lower jaw. Though I have mentioned that the petitioner has lost mandibular posterior teeth but I have not mentioned the exact number. To show that the petitioner has consulted me on 10.12.2024 I have produced the X-ray film. I have not produced the OPD slip pertaining to 10.12.2024 to show as to what were my observations when I examined the petitioner on 10.12.2024.

4. It is false to suggest that the very fact that I have not produced the assessment sheet or the examination notes goes to show that the facts stated at para 5 of my affidavit are mentioned to suit the exaggerated percentage of disability assessed by me.

5. For the purpose of concluding that the petitioner had loss of nerve sensation over left side of lower face I have conducted some tests but I have not mentioned the same in the affidavit. There is no any report regarding the said conclusion. It is false to suggest that only a neurologist is competent to depose regarding the loss of nerve sensation.

6. It is false to suggest that the 2018 guidelines referred to by me does not provide any specific guidelines for assessment disability with

regard to face. It is true to suggest that the disability assessed by me is only physical disability and not functional disability. Witness states that he might not have any impediment to work as a system admin but he would encounter other difficulties in day to day life.

7. Upon being suggested that the scars if any on the face of the petitioner has not caused any dis-figuration, witness states that it depends on perception of individuals. It is false to suggest that there is no basis for assessing 10% disability due to scars on the face, 25% disability for absence of teeth and loss of teeth due to trauma, 15% disability for loss of bone causing facial deformity and 8% disability for loss of nerve sensation over left side of lower jaw. Witness states that due to infection, the petitioner has lost about two inches of his facial bone as such bone grafting had to be done which shows the severity of the injury. It is false to suggest that the maximum percentage of disability that can be assessed in case of severe dis-figuration as per the guidelines it is only 4% under the head of the cosmetic observation.

8. It is false to suggest that all such injuries which cause functional disability and not mere physical disability have been referred to in the 2018 guidelines. Witness states that the disability of the nature suffered by the petitioner is one such illustration of disabilities which have not referred in the 2018 guidelines.

9. Upon being suggested that there can be no fractions in the percentage of disability if the same is assessed in accordance with 2018 guidelines. Witness states that the fraction is arrived at after

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applying the formula. It is false to suggest that the formula is not applied in accordance with the guidelines.

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 I have assessed and fixed higher disability in gross violation of guidelines in order to support the claims of the petitioner for higher compensation.

RE-EXAMINATION – NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.
Sd/-
Prl. Judge.
Court of SC., & MACT., Mysuru