

**MVC.575/2024 PW.3 H.S.Manjunath Bhargava**

**IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND**  
**MACT., MYSURU.**  
**MVC.NO. 575/2024**

<b>Witness Name</b>	:	H.S.Manjunath Bhargava	<b>PW.3</b>
<b>Father Name</b>	:	Sundaresh	
<b>Age</b>	:	55 years	
<b>Occupation</b>	:	Orthopedic surgeon	
<b>Residence</b>	:	Mysuru	

*Witness called and duly sworn on: 12.01.2026*

**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.P29 and 30	Two IP case sheets pertaining to Sri. Harshith
Ex.P31	One OPD card with disability evaluation form
Ex.P32	Three X-ray films ( <i>Collectively marked</i> )

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

1. I was not given any information regarding whether the petitioner had obtained treatment at any other Hospital before being admitted to Cauvery Hospital. The petitioner was conscious oriented and was in a position to talk when he was admitted to Cauvery Hospital. I have treated the petitioner while he was undergoing treatment at Cauvery Hospital.

2. The petitioner had suffered fractures of both bones of left leg and I performed surgery with respect to tibia bone and implants were placed. The implants were removed on 12.04.2025. When I examined the petitioner on 13.04.2025, I observed that though the tibia fracture had healed but there was malunion in the fibula bone. The malunion of the fibula bone was intermediate in nature i.e., the malunion has not resulted in complete physical disability.

3. It is false to suggest that as per my own statement, the tibia fracture has united whereas there is slight malunion in fibula bone and yet I have assessed the disability at 34% which goes to show that the disability assessed by me is exaggerated and is assessed to suit the claim of the petitioner for higher compensation. It is false to suggest that considering the age of the petitioner, the issues noted by me could not have resulted in any permanent partial physical disability as such despite the fact that petitioner has not suffered any disability due to injuries sustained in the accident I have asserted false facts.

4. Though the petitioner has consulted me several times for follow up but the records pertaining to the same are not available with me as the same would be handed over to the patient. I have gone through the OPD records in which it is specifically mentioned that the petitioner has undergone physiotherapy sessions as advised by me. It is false to suggest that I have not assessed the disability as per the gazette guidelines issued for assessment of disability and I have not set out the requisite details.

5. 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 though the petitioner does not have any disability on his left lower limb, I have falsely assessed the disability to suit his claim for higher compensation.

6. It is false to suggest that considering the nature of injuries the disability of 34% to the left lower limb assessed by me is exaggerated and hence cannot be accepted. It is false to suggest that even the OPD records have been created and false entries have been made to support the exaggerated percentage of disability assessed by me. It is false to suggest that the assessment is made to suit the claim 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**