

IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND
MACT., MYSURU.
MVC.NO. 845 / 2023

Witness Name : Dr. Santhosh **PW.2**
Father Name : Siddalingegowda
Age : 42 years
Occupation : Assistant Professor, Orthopedic
Surgeon JSS Medical College,
Mysuru.
Residence : Mysuru

Witness called and duly sworn on: 11.03.2025

EXAMINATION IN CHIEF BY: SRI. BRG 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.P12	The entire case sheet pertaining to the petitioner
Ex.P13	Recent examination report
Ex.P14	Two X-ray films (<i>collectively marked</i>)

CROSS EXAMINATION BY: SRI. MVG LEARNED COUNSEL FOR
RESPONDENT:

1. It is true to suggest that in the discharge summary marked as Ex.P10 it is specifically mentioned that the condition of the petitioner was stable and there was improvement in his condition. It is false to suggest that the petitioner has fully recovered from the injuries sustained in the accident, witness states that the petitioner has mal union of fracture.

2. It is false to suggest that the mal union is due to medical negligence, witness states that it is due to severity of the injuries sustained. It is false to suggest that the permanent partial disability if any suffered by the petitioner is due to medical negligence, as such the petitioner cannot claim any compensation for the same from the respondents.

3. It is false to suggest that the mal union is due to the fact that the petitioner did not follow the advise and directions given by the doctors. Upon being suggested that in the discharge summary, the name of the treating doctor is shown as Dr.Sri. Ravi, witness states that the said Dr. Sri. Ravi is a plastic surgeon and I am an orthopedic surgeon and we treated the petitioner together.

4. The petitioner was admitted to our hospital on 17.03.2023 at around 4.00 am. The petitioner was directly admitted to our hospital after the accident. Though the MLC is issued, I have not produced the said document before this court. It is false to suggest that I have intentionally withheld the production of the accident register and other relevant records apprehending that true facts would come to light.

5. It is false to suggest that I have not assessed the disability as per the gazette guidelines. It is false to suggest that even the calculation is not in accordance with the guidelines and I have made false calculation to arrive at a higher percentage of disability. It is false to suggest that since the implants are in-situ it is not possible to accurately assess the disability as such disability assessed by me cannot be considered. It may be true to suggest that the cost for removal of implants would

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vary from hospital to hospital. 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