

IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES
AND MACT., MYSURU.
MVC.NO. 904/2023

Witness Name	: Dr. Lakshith Biddappa M.A.	PW.2
Father Name	: Dr. M.K.Aiyappa	
Age	: 41 years	
Occupation	: Visiting Consultant as Oral and Maxillofacial Surgeon, Bhanavi Hospital, Mysuru.	
Residence	: Mysuru	

Witness called and duly sworn on: 04.05.2026

EXAMINATION IN CHIEF BY: SRI. MDG 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.

1. Wherefore I pray that this Hon'ble Court be pleased to award compensation as prayed for.

CROSS EXAMINATION BY: SRI. BGK LEARNED COUNSEL FOR RESPONDENT NO.2:

2. The Kessler's formula of George Paul and Sam Thomas 2003 is a recognized mode of assessing maxilo facial injuries in India. Upon being questioned whether I have produced any document to show that I have assessed the disability as per the formula mentioned in the affidavit, witness states that as per the said formula if there is one

injury the percentage of disability is specified and only in the case multiple injuries the formula would have to be applied.

2. I have no impediment to produce Kessler's formula of George Paul and Sam Thomas before this court. Since the petitioner had loss of sensation over left chin, lower limb and lower gingiva region, as mentioned in the Kessler's formula of George Paul and Sam Thomas I have assessed the disability at 8%.

3. I have no personal knowledge about the avocation of the petitioner. The petitioner would experience discomfort due to loss of sensation and that apart he would not have any difficulty in performing his day to day activities. It is false to suggest that the issue of loss of sensation has nothing to do with the injuries sustained in the accident by the petitioner instead it is an age related ailment.

4. It is true to suggest that the wounds have healed and the fractures sustained by the petitioner have united. I am not aware if there is any provision in the notification issued by Central Government recognizing the Kessler's formula of George Paul and Sam Thomas for the purpose of assessing disability due to injury to the mandibular. It is false to suggest that inspite of being aware that Kessler's formula of George Paul and Sam Thomas is not recognized under the Central Government notification, I have assessed the disability by referring to the same just to support the claim of the petitioner for higher compensation.

5. It is true to suggest that the surgery cost mentioned by me at para No.8 of my affidavit is the cost that the petitioner might incur if he undergoes the surgery at our Hospital. I have not issued any estimate or cost breakdown of the amount that the petitioner might incur. Upon being suggested that the petitioner can undergo same surgery at Govt. Hospital, witness states that the Govt. Hospital do not have specialization which is required to perform the said surgery.

6. It is false to suggest that despite the fact that the petitioner has not suffered any such issue of loss of sensation I have falsely asserted the same just to substantiate the disability assessed by me. It is false to suggest that inspite of being fully aware that as per the Central Government notification no disability can be assessed for facial injuries, I have wrongly assessed 8% disability on the ground of loss of sensation just to support the claim of the petitioner for higher compensation and I have deposed false facts in support of the same.

7. 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