

**IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND
MACT., MYSURU.**

MVC.NO. 1122/2022

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| Witness Name | : Dr. Neelangowda V.P. Patil | PW.2 |
| Father Name | : Veeranagowda | |
| Age | : 52 years | |
| Occupation | : Professor and HOU Department of Orthopedic, K.R. Hospital, Mysuru. | |
| Residence | : Mysuru | |

Witness called and duly sworn on: 16.06.2026

EXAMINATION IN CHIEF BY: SRI. MVC 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.

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| Ex.P16 and 17 | Two case sheets pertaining to the petitioner |
| Ex.P18 | 6 X-ray films (<i>collectively marked</i>) |
| Ex.P19 | One OPD slip |

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

1. In cases of type 2 open fracture of both bones of the right leg distal 1/3 can be described as a case where the fracture is exposed to the exterior and the fractured bone is visible to the naked eye. In such cases initially temporary exterior fixation is done till wound healing as in such cases the chances of infection would be high. It is true to

suggest that there is a medical board established at K.R. Hospital. I am one of the members of the District Medical Board functioning at K.R. Hospital. I have no impediment to refer the petitioner to District Medical Board for assessment of disability. The disability assessed by me is my opinion which is based on guidelines.

2. I have no knowledge about the avocation of the petitioner. Upon being suggested that while assessing the disability the avocation of the petitioner should be taken note of, witness states that as per the guidelines it is not necessary. I have only assessed physical impairment and not functional disability.

3. Upon being suggested that the fractures sustained by the petitioner have united, witness states that the tibia is united whereas in case of fibula because there was no possibility of union the surgery was performed to remove a part of fibula so as to ensure that the tibia is united. The implants are insitu. Upon being suggested that because the implants are still insitu, the disability could not have been assessed, witness states that as sufficient time has lapsed, disability can be accurately assessed.

4. The main issues noted in the petition are in respect of stability component and pain. Though I had maintained Form-B and I have followed the aspects noted therein but I have not produced the Form-B today. It is true to suggest that while assessing the disability muscle strength is also considered and it is one of the important aspect. Upon being suggested that there is no mention about muscle strength in the affidavit or the examination report, witness states that because there is disability in respect of stability component it includes loss of

muscle strength as there is over lapping unlike in cases of purely neurological issues.

5. It is false to suggest that I have not followed the guidelines and it is for this reason that I have not produced the Form-B. It is false to suggest that had I produced the Form-B it would have come to light that the extent of disability if any suffered by the petitioner is not as much as mentioned by me in my affidavit instead it would be on the lower side. It is false to suggest that had I also mentioned about muscle strength it would have been evident that the extent of disability assessed by me is on the higher side as such I have conveniently refrained from mentioning anything about muscle strength.

6. The injuries have affected the range of movement of both knee and ankle joints. It is true to suggest that I have not set out the details of the tests conducted to assess the range of movement and the outcome of the said tests. It is false to suggest that I have not at all conducted any tests to assess the loss of range of movement and yet I have assessed the disability exaggeratedly to suit the claim of the petitioner for higher compensation. It is false to suggest that it is for this reason I have not set out the details of tests conducted.

7. It is false to suggest that as I have not issued any cost breakdown in respect of expenses that the petitioner might incur for removal of implants, the assertion in my affidavit that the petitioner might incur Rs.10,000/- to Rs.15,000/- is also exaggerated. It is false to suggest that the petitioner does not have any such infirmities, difficulties or issues as noted by me in the affidavit and yet I have averred false facts just

to support the claim of the petitioner for higher compensation. It is false to suggest that the petitioner is in a position to do all the work which he was doing prior to the accident and yet I have falsely averred that the petitioner has permanent partial physical disability.

8. It is false to suggest that the petitioner does not have any disability on any part of his body and he has regained normalcy and yet I have assessed the disability falsely. It is false to suggest that I have assessed exaggerated percentage of disability though the petitioner does not have any issues just to support his claim for higher compensation.

9. 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 on the basis of created and concocted documents. 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