

**IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES**  
**AND MACT., MYSURU.**  
**MVC.NO. 2255/2023**

<b>Witness Name</b>	: Siddalingamurthy G.	<b>PW.2</b>
<b>Father Name</b>	: Patribasappa G.	
<b>Age</b>	: 57 years	
<b>Occupation</b>	: Professor of orthopedics, JSS Hospital, Mysuru.	
<b>Residence</b>	: 153, 2 <sup>nd</sup> cross, Roopanagar, Mysuru	

*Witness called and duly sworn on: 17.03.2026*

**EXAMINATION IN CHIEF BY: SRI. KS 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.P21	The IP case sheet pertaining to Sri. Byrappa
Ex.P22	The OP case sheet pertaining to Sri. Byrappa (2 small files)
Ex.P23	11 X-ray films ( <i>collectively marked</i> )

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

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

1. Before being admitted to JSS Hospital the petitioner had obtained treatment at Nanjangudu Govt. Hospital. It is true to suggest that as per the records surgery was performed by Dr. Sri. Gurumurthy and Dr. Sri. Sujana Teja. It is false to suggest that I am not the actual treating doctor as the treatment was given by the other doctors referred above as such I am not competent to depose regarding the disability.

2. It is true to suggest that as per the records the petitioner was under the follow up treatment only until 2024 and thereafter for about an year the petitioner has not consulted any doctor for follow up treatment in respect of injuries sustained in the accident. The entry made in the OP record that when the petitioner consulted me on 12.02.2024, the petitioner was walking comfortably is proper and correct. It is true to suggest that as per the OP record I have advised the petitioner to perform shoulder exercises.

3. It is true to suggest that as per the OP record the petitioner last underwent physiotherapy sessions on 29.08.2023. It is false to suggest that had the petitioner undergone further physiotherapy sessions and scrupulously followed the advise of the doctors, the extent of disability would have been much less. It is false to suggest that the extent of disability ascertained by me is based on imaginary values though the petitioner has not suffered any such disability and does not have any such difficulties.

4. It is false to suggest that the difficulties noted by me could also be due to advanced age of the petitioner who was aged around 45 years and yet I have falsely assessed the disability by stating that the same was due to injuries sustained in the accident. It is false to suggest that the inability to kneel down cannot be considered as disability in the present lifestyle, witness states that persons might have to kneel down at temples as such it is a disability. It is false to suggest that the disability of 30% assessed by me in respect of the right lower limb is exaggerated and the petitioner has not suffered any such disability.

5. As per my knowledge the petitioner was working as a Clerk. It may be true to suggest that the petitioner is working as a Clerk even to this day, witness states that he can continue the said work. It is false to suggest that for a person working as a Clerk inability to lift overhead object cannot be considered as a disability.

6. It is true to suggest that I have only assessed physical disability and not functional disability. It is false to suggest that the difficulties noted by me and the corresponding disability assessed by me are improper and the same are mentioned despite the fact that the petitioner does not have any such disability and difficulties in his day to day activities. Upon being suggested that have I assessed the combined disability, witness states that I have assessed the disability separately and have reported the same.

7. It is true to suggest that I have not followed the format prescribed in the annexure provided in the guidelines. 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.

8. 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 in order to support the compensation claims of PW.1, I have issued a false disability certificate despite the fact that PW.1 has not suffered any such disability.

**RE-EXAMINATION – NIL**

**(Typed to my dictation in the open court)**

**R.O.I. & A.C.**

**Sd/-**

**Prl. Judge.**

**Court of SC., & MACT., Mysuru**