

IN THE COURT OF PRL. JUDGE, COURT OF SMALL CAUSES AND
MACT., MYSURU.
MVC. NO. 2375/2023

Witness Name	: Dr. Kiran Kumar G.N.	PW.3
Father Name	: Ninge Gowda G.K.	
Age	: 43 years	
Occupation	: Consultant Orthopedic Surgeon, Avant BKG Hospital, Mysuru.	
Residence	: Mysuru	

Witness called and duly sworn on: 17.03.2026

EXAMINATION IN CHIEF BY: SRI. KSR LEARNED COUNSEL FOR
PETITIONER IN MVC 2375/2023 AND 2376/2023:

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.P19	The case sheet pertaining to Sri. Arvind Kumar
Ex.P20	Disability assessment report dated 10.02.2026 pertaining to Sri. Arvind Kumar
Ex.P21	The case sheet pertaining to Sri. Mahadevaswamy
Ex.P22	Disability assessment report dated 10.02.2026 pertaining to Sri. Mahadevaswamy

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

1. Both the petitioners used to consult me at DRM Hospital for follow up treatment. The DRM Hospital does not retain the records pertaining to OPD visits of the patients instead it will be handed over to the patients. Even I do not retain copy of the OPD record for my reference. It is true to suggest that since several patients consult me and I treat and perform

surgeries of several patients, it is not possible to remember the issues pertaining to each patient, witness states that I obtained the OPD record from the patient for the purpose of further consultation and assessment of disability.

2. I am not aware if there is a rule that even when the patient comes for OPD consultation the Hospital as well as the doctor are required to retain the copies of the OPD record. Though the DRM Hospital is computerized but only the discharge summary would be saved but as regards the OPD slip which would be hand written the same would not be entered in system. I have no idea if and why the doctors and Hospital are required to maintain the record pertaining to OPD visits including the notes made by the doctor during OPD visits.

3. Upon being suggested that the purpose of requiring the OPD notes in the Hospital and with the doctors is in case of contingency where the patient misplaces the OPD record then the doctor would find it difficult to decide regarding future course, witness states that even the absence of OPD record I do not find any difficulty in advising future course.

4. I have not taken into account the fact that the PW.2 is a HIV positive person. I have not referred the petitioners to District Medical Board for assessment of disability. I have not issued any disability certificate. Except for the Ex.P20 and 22 I do not have any other document regarding the assessment of disability. Witness states that I have the X-ray films.

5. The fracture sustained by both the petitioners have united. It is true to suggest that no where in the affidavit I have specified that I had advised physiotherapy to both the petitioners. It is true to suggest that I have not specified the details of the tests conducted to ascertain the range of movement and other parameters considered while assessing the disability.

I have not subjected the petitioners to nerve conduction tests. I have not referred the petitioners to Neurophysician. I have not mentioned as to what tests were conducted to ascertain the pinch and grip strength. I have mentioned regarding the grasp circumference. It is true to suggest that I have not specified whether the difficulties and issues noted by me are reversible or permanent.

6. It is false to suggest that despite the fact that neither of the petitioners have suffered any disability I have falsely assessed that the PW.1 has 29% disability with respect to left upper limb and PW.2 has 35% disability with respect to right upper limb just to support their claims for higher compensation. It is true to suggest that I have not specified the cause of pain and whether the same is reversible and the course of treatment given to reduce the same in my affidavit.

7. It is true to suggest that I have not mentioned anything regarding the avocation of the petitioners in my affidavit. The disability assessed by me is nothing but physical impairment as provided in the guidelines. In support of my assertion that the PW.2 might incur Rs.75,000/- towards surgery for removal of implants I have not produced any estimation or cost breakdown.

8. It is false to suggest that despite the fact that the PW.1 has not suffered disability to the extent of 29% in respect of left upper limb and PW.2 has not suffered disability to the extent of 35% in respect of right upper limb and yet I have assessed exaggerated percentage of disabilities just to support the claim of the petitioners for higher compensation.

9. 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

petitioners for higher compensation. It is false to suggest that despite the fact that the petitioners have no disability, I have assessed the same falsely just to support this compensation claims.

CROSS EXAMINATION BY: SRI. KJS LEARNED COUNSEL FOR RESPONDENT NO.1:

Learned counsel for respondent No.1 submits that respondent No.1 adopts the cross-examination done by Learned counsel for respondent No.2.

RE-EXAMINATION – NIL

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

Prl. Judge.

Court of SC., & MACT., Mysuru