

Deposition of Witness **No. 2** for the claimant.

I do hereby on solemn affirmation state:

My name is: Shashikant Bhalchandrarao Kukale

My age about: 46 years, Occu.: Private medical practitioner, Trimurti Hospital, Near Malabar Gold Ashok Hotel, Latur.

Examination-in-chief by Mr. Patel for Petitioner.

1. I have done MBBS, DNB, Ortho. and has been practicing since 2013 firstly for some years as private practitioner and thereafter I attached to Sahayadri Super-specialty hospital, Latur from 2015 to 2024 and lateron I have started my own hospital.
2. The discharge card at ext.27 now shown to me of claimant Zoya Shaikh was issued by me with the signature of my assistant, content in it is true and correct. The injury sustained by her are enlisted therein.
3. I have conducted medical procedures as debridement and KY fixation on crush injuries with bone loss of right forearm of claimant Zoya.
4. The hospitalization bill now shown to me was issued under signature of Dr. Kinikar, content in it accordingly is true and correct and it is at **ext. 36**. Accordingly the amount was received. The investigation, laboratory and pharmacy bills etc. issued at Sahayadri multi-specialty center now shown to me are accordingly true and correct and they are collectively at **ext. 37**.
5. Lastly I issued to her the disability certificate by assessing 41% disability to right upper limb found during assessment of the accidental injuries to claimant Zoya. The certificate now shown to me bearing my signature with seal of my designation, content in it

is true and correct and it is at **ext. 38**. The X-ray plates which I perused while assessing the permanent disability are produced. I have mentioned in the disability certificate about claimant Zoya had taken medical treatment in the hospital of Dr. Lahane.

6. The claimant Zoya is unable to hold any object in her right hand. Therefore, she is unable to do most of the activities with her right hand. She would have thus sustained 100% functional disability to the right hand while she could only move from elbow and shoulder joint. (The question is asked in the line of Section 165 of Evidence Act as a Court question for finding out what is the actual disability.)

Respondent No. 1 & 2 – No cross.

Cross-Examination by Mr. S.G. Diwan for the respondent No.3

7. It is correct that the Sahayadri accident and neuro care center is well equipped good reputed hospital in this region. It is correct that I alongwith my assistant doctors conducted medical treatment on claimant as per our best skills and entire knowledge. It is correct that the as debridement and KY fixation on crush injuries with bone loss of right forearm of claimant Zoya procedures were conducted for the claimant for betterment. It is correct that our medical treatment was provided for healing the injuries speedily.

8. The medical treatment on the injuries on 20.02.2024 was completed as her bone fractures were united. The claimant Zoya was aged 6 years. The human bone will develop upto age of 18 years. It is incorrect that by the growing age such kind of disability will become lesser. It is correct that I assessed disability 41% limbwise. It is correct that my disability certificate does not reveal any functional disability. It is incorrect that I have deposed falsely about 100% functional disability to the right hand from wrist of

claimant Zoya. I only calculate the disability around 60% if the right paw is amputated from the wrist.

Cross-completed. No Re Examination.

R.O.& A.C.

(R. R. Bhosale)

Ex-Officio Member of MACT &
District Judge-1, Latur.

Date :- 01.10.2025