

MACP No.110/2024

Mahadev Vs. Chagan

Exh.30

DEPOSITION OF WITNESS NO. 02 FOR THE - CLAIMANT

Examination-in-chief of Claimant Witness no.2

My name is : Dr. Khaled Wahed Kazi

My age about : 52 years

My occupation : Orthopedic Surgeon

My residence : Latur

District : Latur

Chief-examination of Claimant by Adv. M.F.Patel for claimant

I run a Hospital at Latur by the name Sahara Hospital since 2004. My academic qualification is M.B.B.S., D. Ortho.

2. On 31.01.2026 a patient named Mahadev Kamble came to me for obtaining disability certificate. I examined him clinically and radiologically. I took his X-ray. I am now shown an X-ray plate filed on record. It is the same X-ray taken at my Hospital. It is of Mahadev Kamble. It is at **Exh.31**. He had restricted movement of left knee because of comminuted lower end femur fracture. The X-ray showed mal-union of the fracture bone. I noticed osteoarthritis on left knee with pain. I accessed

his disability to be 36 % and accordingly issued disability certificate. I am now shown the said certificate. It bears my signature and that of Mahadev Kamble. The contents therein are correct. The said certificate is at Exh.32. In my opinion because of the injury sustained by the claimant he would not be able to do painting work in future. In my opinion the functional disability of the claimant is 36 %.

Cross-examination for respondent no.1 -

Ex-parte. Hence, No cross-examination.

Cross-examination by Adv. Shri.S.M.Gurav for respondent no.2

3. It is true that the claimant came to me on 31.01.2026 for the first time. I did not administer medical treatment to him. The claimant showed me only discharge card of his previous medical treatment. I am now shown the discharge card Exh.25. It is true that on discharge card Exh.25, the date of discharge of claimant from Vilasrao Deshmukh Hospital is not mentioned. On the basis of oral information given to me by the claimant I have mentioned the date of discharge on Exh.32. It is true that I did not verify the truthfulness about the date of discharge of claimant from the Hospital. It is true that as per discharge card Exh.25 on the date of discharge of claimant from the Hospital his condition is

shown to be stable. It is not true to say that the stable condition in discharge card is mentioned only when the patient shows positive signs of recovery. It is not true to say that in case of communitied fracture on femur, the fracture can heal in 3 to 6 months. It is not true to say that when the claimant came to me for discharge certificate his fractured bones were fully united. I did not see any document which showed that the claimant had taken regular follow up and treatment after he was discharged from the Hospital. It is true to say that if a patient does not take proper follow up and treatment for fracture injury it may result into mal-union of fractured bones. It is true that for such injuries it is necessary to take physiotherapy. The claimant did not show me any document that he had taken physiotherapy regularly. It is true that the disability of 36 % accessed by me is pertaining to the left limb of the claimant. The error margin of assessment of disability could be 1 % on either side. It is not true to say that the Indian Medical Council has prescribed certain tests for assessment of functional disability. The claimant had told me his occupation when he came to me. On Exh.32 I have not mentioned the occupation of claimant and his functional disability. It is not true to say that the claimant can work as he used to work previously. It is not true to say that I made a wrong statement that the claimant suffers 36 % functional disability. It is not true to say that there is no restricted movement to the limb of claimant. It is not true to say

that to help the claimant in this claim I have issued disability certificate with percentage of disability on higher side.

Cross-examination is over.

No re-examination.

R.O.A.C.

Sd/-

(R. B. Bhagwat)

District Judge-2 and

Member M.A.C.T., Latur

Date :- 09/04/2026