

DEPOSITION OF WITNESS NO.4 FOR PETITIONER

(Through V.C.)

I do hereby state on solemn affirmation that-

My name : Dr. Nitin Uday Kimmatkar,
Aged : 53 years, Occ.: Medical practitioner,
R/o : Nandanwan, Nagpur.

Examination-in-chief of the witness by Adv. Shri G.N. Shinde for Petitioner.

1] I am running Anuradha back pain and advance Orthopedic Surgery Center since last 20 years. I am orthopedic surgeon. On 08.08.2023 patient Deepak Kamble had come to my hospital. I had clinically examined him. He has sustained fracture of right femur and both bone leg. Both the fractures were healed. There was decreased range of movement of his right knee. Accordingly I issued permanent disability certificate of 25% to the said patient. The disability certificate now shown to me is the same. It bears my signature and stamp and contents therein are true and correct. It is at **Exh.60**.

Cross-examination by Adv. Shri Sanjay Mishra for Respondent No.1.

2] I had not drawn x-ray or MRI of the patient. I had done only clinical examination and done my diagnosis. Patient has met with an accident on 01.03.2022. It is true to say that there was recovery to the patient. I do not know under which rules I have issued the said certificate. It is not true to say that I issued certificate without following the procedure of persons to Disability Act 2016. It is not true to say that I issued disability certificate in incorrect form. I cannot tell why Rule 255 (i)(iii) is mentioned in my certificate twice. It is not true to say that I have wrongly issued the disability certificate. It is not true to say that the certificate should be issued as per Rule 255 (1) Sub clause (iii) and 281 Clause 1 Sub

Clause (iv). The witness is now shown another Form Comp B. I do not know whether it is a correct proforma or what.

3] I have completed 30 years practice. I do not remember how many certificates I have issued till today and adduced evidence in court. I cannot tell whether I have issued more than 100 certificates and adduced evidence in more than 100 matters or what. It is not true to say that as per Right of Person to Disability Act, 2016 unless there is 40% disability, no permanent disability certificate can be issued. It is not true to say that 25% disability is a temporary disability. It is not true to say that by the passage of time the fracture injury heals and become normal. It is not true to say that on 08.08.2023 there was no disability to patient Deepak Kamble. It is not true to say that I have issued certificate under wrong Act, Rule and Form. It is not true to say that I am deposing falsely.

Cross-examination for Respondent No.2.

Respondent No.2 and his counsel absent when repeatedly called.
Hence cross examination Nil.

Re-examination-Nil.

R.O.A.C.

Before me

(P. B. Naikwad)
Member, MACT-1, Nagpur.
Date:11.12.2025.

(P. B. Naikwad)
Member, MACT-1, Nagpur.
Date: 11.12.2025.