

C. P NO. 1152/2017
Shelton Vs ICICI
EXH. : 73

(The witness is to be examined on VC (google meet) on the request of witness as well as the party who summoned him as a witness. The otherside has no objection for such examination. The witness is Medical Practitioner and being present in his clinic on VC. The quality, both, audio and visual is good. Therefore, examination is commenced in presence of counsels for both the sides.)

DEPOSITION OF WITNESS NO.5 FOR THE PETITIONER

I do hereby on solemn affirmation state that -

My name : Dr. Bhojraj Ajabrao Padole,
Aged about : 70 years
Occupation : Medical Practitioner
Resident of : Nagpur, District-Nagpur

Examination-in-chief by Shri P.S. Verma, Advocate for petitioner

My academic qualification is M.S.(General Surgery). I am having hospital namely D.T. Padole Hospital at Nagpur since last 32 years. On 20.06.2017, a patient namely Shelton came to my hospital for treatment. Thereafter he came to my hospital on 20.12.2022 for obtaining disability certificate. I have assessed 25% functional disability of both lower limbs. Now disability certificate shown to me on screen is the same. It bears my signature and seal of our hospital. Its contents are true. It is marked as **Exh.74**. The capacity to do work of the patient is reduced by 25% permanently.

Cross-examination by Adv. M.A. Pradhan for respondent No.1:

2. The patient was suffering from femur right side and tibia fibula on left side. I did not mention these injuries on Exh.74. It is false to say that the patient came to my hospital for obtaining disability certificate. I am

unable to show the treatment card of the patient in respect of dt.20.6.2017. On 20.12.2022, his fractures were already united. It takes around 6 months to one year for healing for unite the fracture. I have not radiologically examined the patient and only clinically examined him. I do not know the occupation of the patient. It is false to say that I have assessed physical disability of the patient. Physical disability means there is shortness of limb, swelling and deformity. Functional disability means he was not able to perform the movements properly and power of limbs. I have assessed disability for both lower limbs and not for the entire body. It is false to say that the disability was not permanent. I advised patient for physiotherapy for improving power and mobility. It is false to say that if patient follows the proper physiotherapy then possibility to reduce his disability. It is false to say that due to such type of disability, working capacity of the patient is not reduced. He is able to do sitting work but not for longer time. It is false to say that I have assessed higher side disability and deposing falsely.

Cross-examination by Adv. C.B. Pande for respondent No.4:

3. Adopted cross-examination on behalf of respondent No.1.

Cross-examination by respondent No.2 and 3:

4. Both absent when called. Hence no cross-examination.

Cross completed.

No re-examination.

R.O.A.C.

Date: 13.02.2025

**(Sajid A. Syed)
Member,
MACT-3, Nagpur.**

Note:- Evidence of this witness is recorded through Video Conferencing in presence of Adv. P.S. Verma for petitioner and Adv. M.A. Pradhan for respondent No.1 and Adv. C.B. Pande for respondent No.4.