

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3725 OF 2015

Praskash Vishwambhar Sontake

...PETITIONER

versus

The State of Maharashtra and others

...RESPONDENTS

.....

Mr. Mahesh S. Dhapate, Advocate holding for
Mr. V.R. Bhumkar, Advocate for petitioner
Smt. S.S. Raut, AGP for respondents No. 1 to 4
D.S. Kulkarni, Advocate for respondent No. 5

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**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 7th JULY, 2016.

Order :-

1. The petitioner assails order of respondent No. 3 rejecting claim of the petitioner to get insurance amount of Rs. 1,00,000/- (Rupees one Lakh) on account of death of his wife.
2. Learned counsel submits that wife of petitioner had purchased agricultural land vide registered sale deed dated 24-08-2007, however, the claim was rejected only on the ground that name of petitioner's wife was recorded subsequent to the coverage period. According to learned counsel, registered sale deed would show that petitioner's wife was owner of the agricultural land.
3. Mr. Kulkarni, learned counsel submits that date of mutation in the relevant revenue record in the name of petitioner's wife is 20-04-2013 and the scheme was valid for the period 15-08-2012 to 14-08-2013, as such, the claim is rightly rejected.

4. We have considered the submissions canvassed by the learned counsel for respective parties. The person, who claims ownership rights of the property pursuant to registered conveyance, mutation entry in revenue record would be a consequential act. In fact, as per provisions of Maharashtra Land Revenue Code and Rules made thereunder it is duty of the Sub-Registrar to refer the registered document of conveyance to the Revenue Authority for mutating the names of purchasers. The copy of the registered sale-deed is placed on record, it would show that wife of petitioner has purchased land vide registered sale-deed dated 24-08-2007 that would be a proof of ownership of possessing agricultural land. It appears that said document was not placed before the authorities concerned, they were guided by fact that name of deceased wife of the petitioner was mutated in the revenue record subsequently.

5. Considering the above, the impugned communication is quashed and set aside. Petitioner shall forward a copy of registered sale deed to respondent No. 5 and respondent No. 5 shall consider the same upon verifying it and if it comes to the conclusion that the claim of the petitioner is genuine, shall sanction it and make the payment of said amount as expeditiously as possible, preferably within a period of six months from the date of this order.

6. Writ petition is partly allowed. No costs.

Sd/-

[K. K. SONAWANE, J.]

MTK

Sd/-

[S. V. GANGAPURWALA, J.]