

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

WRIT PETITION NO. 10074 OF 2014

Mahananda W/o Suarnasing Pendse,
Age : 25 Years, Occu. : Agri.,
R/o. : Ambhai, Tal. : Sillod,
District : Aurangabad .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary Agricultural Department,
Mantralaya, Mumbai
2. The Collector,
Aurangabad
3. The District Superintendent Agri. Officer,
Shanurmya Darga, Aurangabad
4. The Manager,
Deccan Insurance and Reinsurance Brokers
Pvt. Ltd., Aurangabad

[Deleted as per Courts order dated 11.12.2015]

4. The New India Insurance Company
Limited, Sawarkar Bhavan,
Shivajinagar, Congress House Road,
Pune - 05. .. Respondents

Shri B. G. Londhe, Advocate h/f Shri V. R. Bhumkar, Advocate
for the Petitioner.

Shri B. A. Shinde, A.G.P. for Respondent Nos. 1 to 3.

Shri S. R. Bodade, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 30TH MARCH, 2016.**

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :

. Rule. Rule made returnable forthwith. With the consent of the parties taken up for final hearing.

2. It is submitted by the learned counsel for the petitioner that husband of the petitioner had died on 15.09.2011 on account of an accident taken place on 26.07.2011. The husband of the petitioner is covered under the Shetkari Janta Apaghat Vima Youjana which is a beneficial scheme meant for the agriculturist. The petitioner submitted the proposal within the time limit of the scheme on 30th March, 2012. The scheme was applicable from 15.08.2011 to 14.08.2012. The death of the husband of the petitioner is on 15.09.2011. The claim was submitted within a reasonable time. However, the claim was rejected on the ground that it is submitted belatedly and no intimation is received. According to the learned counsel the petitioner is a illiterate lady, residing in a remote rural village. Upon collection of the documents, the claim was submitted. There is not much delay in submitting the claim. It is submitted within time.

3. Mr. Bodade, the learned counsel for the respondent No. 5/Insurance Company submits that the accident had taken place

before the date of coverage. The policy was in existence from 15.08.2011 to 14.08.2012 and the accident had taken place in July 2011 i. e. prior to the coverage period. The learned counsel submits that even the claim was not submitted within the stipulated period as laid down in Government Resolution dated 08th August, 2011 i.e. within 90 days. The order is rightly passed.

4. We have considered the submissions of the learned counsel for respective parties.

5. The Shetkari Janta Apaghat Vima Youjana is a beneficial and social welfare scheme for the agriculturist. On the day when the husband of the petitioner died the said policy was very much in existence. No doubt the claim has to be made within 90 days from the occurrence of the cause of action. The husband of the petitioner died on 15.09.2011 and the claim ought to have been made by 15.12.2011. The same was made on or before 30th March, 2012. It is stated that the time was required in collecting documents. Clause 8 of the Government Resolution dated 08th August, 2011 is abundantly clear. It specifically states that even if the proposal is submitted after the lapse of 90 days the same should be accepted by the company and it should not be rejected on the ground that it is not submitted within stipulated period of 90 days. In view of this specific clause of the Government

Resolution, it was erroneous on the part of the company to reject the claim on the ground that the proposal is submitted late.

6. Considering the above the impugned order is quashed and set aside. The registry shall accept the cheque of Rs. 1,10,000/- being deposited by the respondent No. 5. On deposit of the said cheque, the petitioner is entitled to withdraw the said amount.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/March 16