

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

WRIT PETITION NO.2246 OF 2017

Smt. Shobhabai wd/o Vishwanath
Rajemod

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr V.B. Dhage, Advocate for petitioner
Mr P.S. Patil, Advocate for respondents no.1 and 2

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 3rd April 2018

PER COURT

1. Mr Dhage, learned Counsel for the petitioner submits that while the husband of the petitioner was going to his village in Shila Shiwar, wild pig gave dash to his motorcycle because of which he fell down and sustained head injury on 6.5.2014. The doctor declared him dead. The resolutions dated 2.7.2010 and 16.1.2015 is passed by the government giving compensation to the person, who died or is injured due to the attack of wild animal. Learned Counsel submits that petitioner had approached the authority, however, the claim is negatived on the ground of delay. The condition that within 48 hours, the factum of the attack by the wild animal should be reported to the Forest Officer/employee is too stringent. The same is not in keeping with the beneficial and the benevolent policy of the State.

2. Learned A.G.P. submits that the petitioner filed claim to the office on 6.2.2015 after 2 ½ years. The reason behind putting forth 48 hours for lodging the claim with the Forest Officer is that, Forest

Officer who has opportunity to conduct the panchnama of the incident to verify the truthfulness of the claim. After 2 ½ years period, it is not possible to verify all these aspects.

3. We have considered the submissions. The scheme framed by the government for giving compensation to the injured or to the family of the deceased under Government Resolution dated 2.7.2010 is a benevolent one. The clauses of the welfare scheme has to be interpreted liberally. Even if we assume that the period of 48 hours should not be calculated with mathematical precision, still the claim should be lodged within reasonable time so that the opportunity will be available to the Forest Officer/employee to conduct the necessary panchnama and take effective steps. In the matter, the claim is lodged after 2 ½ years. Certainly, it was not within reasonable time and there was nothing to ascertain the facts.

4. In light of above, Writ Petition is dismissed. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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