

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

WRIT PETITION NO.3726 OF 2016

Anita wd/o. Vithal Diwate ..Petitioner

Vs.

The State of Maharashtra
and ors. ..Respondents

Mr. S.B.Sontakke, Advocate for petitioner

Mr. K.N.Lokhande, Advocate for respondent no.4

Mr. S.S.Rathi, Advocate for respondent no.5

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : OCTOBER 30, 2018

PER COURT

Mr.Sontakke, learned Counsel for the petitioner, submits that the claim of the petitioner for grant of compensation under the Shetkari Janata Apghat Vima Yojna ("the Scheme", for short) has been negated on the ground of delay in filing the claim. He submits that the husband of the petitioner died on

04.12.2009 in an accident. The claim for compensation under the the Yojna was submitted by the petitioner being widow of the deceased on 29.12.2009. However, it is rejected on the ground of delay. He submits that the delay was caused because the petitioner was not having knowledge of the scheme. The petitioner was suffering from the state of shock due to death of her husband for quite a long time. It also took time for the petitioner to gather all the requisite documents. Mr.Sontakke, learned Counsel relies on the judgment of the Division Bench of this Court in **Writ Petition No.3903 of 2013 (Savita w/o. Santram Awate Vs. The State of Maharashtra and ors.) delivered on 19.08.2013.**

2. Mr.Rathi, learned Counsel for respondent – Insurance Company, submits that the petitioner has not explained the delay. No reasons have been given for the delay. In absence of it, the claim of the petitioner has been rightly negated by the Insurance Company.

3. We have considered the submissions. The petitioner is claiming compensation under the Scheme, on account of death of her husband in an accident. It is a beneficial scheme floated by the Government considering the plight of the agriculturists. The point of condonation delay under the scheme was the subject matter of consideration before this Court in Writ Petition No.3903 of 2013. This Court, under the order dated 19.08.2013 allowed that Writ Petition and held that the provisions of condonation of delay exists in the said scheme.

4. In the present matter, there is delay of about 27 days in lodging the claim for compensation. The reason was given that the petitioner was not in a position to collect the necessary documents so also was unaware about the scheme, which was floated just before fifteen days prior to the death of the husband of the petitioner. The petitioner is a rustic lady residing in a remote rural village.

5. Considering the beneficial nature of the scheme and the provisions of condonation of delay existing in the scheme and considering the reasons shown by the petitioner for delay, as discussed supra, we are inclined to condone the delay.

6. The respondent – Insurance Company shall consider the claim of the petitioner for compensation on account of death of her husband, on its own merits and in accordance with law and shall not return the same only on the ground of delay and latches, expeditiously and preferably, within six months from today.

7. The Writ Petition is accordingly disposed of. No costs.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

kbp