

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

WRIT PETITION NO.3732 OF 2016

Hanmabai w/o. Bhagwan Pingale ..Petitioner

Vs.

The State of Maharashtra
and ors. ..Respondents

Mr. S.B.Sontakke, Advocate for petitioner

Mr. K.N.Lokhande, Advocate for respondent nos.1 to 4

Mr. S.R.Bodade, 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 mother of the petitioner, namely Chandrakala Pralhad Deshmukh died on 14.12.2009 due to

snakebite. The claim for compensation under the the Yojna was submitted by the petitioner being daughter of the deceased on 24.08.2010. 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 in the state of shock due to death of her mother 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.Bodade, 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 mother due to snakebite. It is a beneficial scheme floated by the Government considering the plight of the agriculturists. The aspect of condonation of 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 eight months 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. 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 mother, on its own merits and in accordance with law and shall not reject 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