

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

WRIT PETITION NO. 10154 OF 2017

Alka Subhash Shende .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. Sanjay D. Kotkar, Advocate for the Petitioner.

Shri. P.S. Patil, Addl.G.P. for the Respondent No. 1.

Shri A. B. Kadethankar, Advocate for the Respondent No. 2.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.
DATED : 15th March, 2018**

PER COURT:

. The husband of the petitioner had died on account of the road accident. The deceased claimed to be an agriculturist. The petitioner submitted claim for compensation through the Agricultural Officer to the Respondent No. 3 for compensation under the Gopinath Mundhe Shetkari Apghat Vima Yojana. The claim is repudiated on the ground that the deceased Subhash did not possess the licence under the Motor Vehicles

Act.

2. We have heard Mr. Kotkar, the learned advocate for the petitioner. Mr. Kadhethankar, the learned advocate for the Insurance Company and the learned Additional Government Pleader.

3. Perusal of the F.I.R., it transpires that, the husband of the petitioner was sitting on a motorcycle that was stationed and the Tata Sumo vehicle gave dash to the vehicle on which the deceased husband of the petitioner was sitting. The claim is repudiated only on the ground that the deceased husband was not possessing the valid driving licence.

4. As the deceased husband of the petitioner was sitting on a stationed motorcycle, the requirement of licence would not be necessary for considering the claim for compensation under the benevolent scheme of the government viz. Gopinath Mundhe Shetkari Apghat Vima Yojana.

5. Considering the above, the impugned order/communication dated 10.05.2017 by the Respondent No. 3 repudiating the claim of the petitioner is quashed and set aside. The Respondent No. 3 shall reconsider the claim of the petitioner for compensation expeditiously and preferably

within a period of three (3) months from today. The writ petition is accordingly allowed. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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