

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

WRIT PETITION NO. 12232 OF 2017

Harsing Kanhiram Maher and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri P. C. Mayure, Advocate for Petitioners.

Shri A. V. Deshmukh, A.G.P. for Respondent Nos. 1 and 2.

Shri Ajit B. Kadethankar, Advocate for the Respondent No. 4

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

DATE : 02ND APRIL, 2018.

FINAL ORDER :

. The petitioners had lodged claim for compensation under the Farmers Personal Accident Insurance Scheme on account of the death of father of the petitioner No. 1 and husband of the petitioner No. 2.

2. The claim of the petitioner No. 1 is repudiated on the ground that claim form No. 2 under letter of the Taluka Agriculture Officer and succession is not submitted. The learned counsel for petitioners relies on the scheme pursuant to the G. R. dated 04th December, 2009 and submits that, it is for the authority to submit the said proposal, however, there is an

enquiry report submitted. The enquiry report is an alternate document and that would suffice the purpose. As far as the petitioner No. 2 is concerned, the 7/12 extract is submitted showing ownership of the deceased. The same is alternate document. Only pherfar is not submitted, the claim of the petitioners is repudiated.

3. Mr. Kadethankar, the learned counsel for the respondent/insurance company submits that, it is incumbent upon the petitioners to submit all relevant documents so as to process the claim. Non submission of documents is fatal to the claim and insurance company has rightly repudiated the claim.

4. As far as petitioner No. 1 is concerned, compensation is claimed on account of death of his father Kanhiram. It appears that, enquiry panchanama submitted about the heirs and the form is to be submitted by the Taluka Agriculture Officer. Covering letter appears to be there, however, Taluka Agriculture Officer shall submit the form as required by the Insurance Company within a period of four (04) weeks from today to the Insurance Company.

5. As far as the petitioner No. 2 is concerned, the compensation is claimed on account of death of husband of the petitioner No. 2. The claim is repudiated on the ground pherfar

document is not submitted. However, it appears that, name of the husband of the petitioner No. 2 appears in the 7/12 extract, which is produced on record and same is for the years 2002-2003 to 2014-2015. Whereas, death has taken place in the year 2016. The same can be considered as a alternate document.

6. Considering the aforesaid facts, the impugned orders are quashed and set aside. The Insurance Company shall reconsider the proposal of petitioners on its own merits considering the aforesaid observations. The Taluka Agriculture Officer as observed above, shall submit the form in case of the petitioner No. 1 within a period of four (04) weeks from today. The insurance company shall thereafter decide the claim expeditiously. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18