

((1))

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

WRIT PETITION NO.15362 OF 2017

Sumitrabai w/o Gangadhar Kakde ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri A.S. Pavse, Advocate for petitioner
Shri S.G. Karlekar, A.G.P. for State
Shri A.B. Kadethankar, Advocate for respondent No.3
.....

CORAM: S.V. GANGAPURWALA AND
 SUNIL K. KOTWAL, JJ.

DATED : 15th MARCH, 2018.

ORAL ORDER :

1. The present petitioner had lodged a claim for compensation under the Gopinath Mundhe Shetkari Apghat Vima Yojana on account of the death of the husband of the petitioner. According to the petitioner, the husband of the petitioner was an agriculturist. The claim for compensation has been repudiated by the Insurance Company on the ground that the husband of the petitioner did not possess the valid driving licence.

2. Mr. Pavse, the learned advocate for the petitioner

submits that, the husband of the petitioner possessed the motor vehicle driving licence, which was valid and in force. The husband of the petitioner was an agriculturist and died in a motor accident. Learned counsel submits that, the Scheme of the Act does not disentitle the petitioner from claiming compensation.

3. Mr. Kadethankar, learned Advocate for the Insurance Company submits that, as the husband of the petitioner was driving a vehicle and was not holding the valid licence, the claim is rightly repudiated.

4. The Government has introduced the benevolent scheme under the Gopinath Mundhe Shetkari Apghat Vima Yojana with the avowed object of providing timely compensation to the family of the deceased. The said scheme is meant as a succour to the family of the deceased agriculturist dying in accident. The husband of the petitioner, it appears, was possessing the light motor vehicle driving licence. The said driving licence was valid and in force. The husband of the petitioner was driving a motorcycle.

5. It is not a case that the husband of the petitioner was not possessing the licence. The husband of the petitioner was possessing to drive the light motor vehicle. If the claim is repudiated on such a technical ground, the very object of

promulgating the scheme would stand frustrated.

6. Considering the above, the impugned order is quashed and set aside. The Insurance Company shall consider the claim of the petitioner for compensation on its own merits and shall not reject the same on the ground on which the impugned order was passed. The claim of the petitioner shall be considered expeditiously, preferably within four months from today.

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

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

fmp/