

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

**WRIT PETITION NO.634/2017**

**Shraddha wd/o Rahul Gampawar and others**

**...Versus...**

**State of Maharashtra through its Chief Secretary, Home Department,**  
**Mantralaya, Mumbai -32 and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri N.N. Thengre, Counsel for petitioners  
Shri B.M. Lonare, AGP for respondent nos.1, 2 and 4  
Mrs. M.S. Naik, Counsel for respondent no.3

**CORAM : SMT. VASANTI A NAIK AND**  
**ARUN D. UPADHYE, JJ.**

**DATE : 11/01/2018**

By this petition, the petitioner seeks a direction against the respondents to consider the claim of the petitioners under the life insurance policy issued in the name of the husband of the petitioner no.1 and the father of the petitioner nos.2 and 3.

According to the petitioners, the petitioner no.1 is the widow of Rahul Gampawar and the petitioner nos.2 and 3 are the sons of Rahul Gampawar, who expired due to sudden illness on 2/3/2012. Since certain life insurance policies were issued in favour of the deceased husband, the petitioners have sought a direction against the Insurance Company to pay the amount as claimed by the petitioners in terms of the said policies.

The respondents have strongly opposed the prayers made in the writ petition. A preliminary objection is raised on

behalf of the respondents to the tenability of the writ petition. It is stated that the death of the husband of the petitioner no.1 was due to poisoning and was an unnatural death. It is stated that the disputed questions of facts cannot be decided in a writ petition, specially when an alternate remedy is available.

We uphold the submissions made on behalf of the respondents and refuse to entertain the writ petition. The writ petition stands disposed of with no order as to costs. The points raised in the petition are however kept open.

**JUDGE**

**JUDGE**

Wadkar