

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

920 WRIT PETITION NO.11327 OF 2018

MURLIDHAR TURAKARM KARTADE AND ANOTHER
..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. Pramod C. Mayure, Advocate for the Petitioners.
Mr. P. S. Patil, AGP for Respondents-State.
Mr. Ajit B. Kadethankar, Advocate for Respondent
No.2.

...

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 10th JANUARY, 2019.

PER COURT:-

1. The claim of petitioners under Gopinath Mundhe Farmers Accident Insurance Scheme has been rejected. The deceased Tukaram Shyamrao Kartade and Shenphadabai Gangadhar Rahate died due to food poisoning. The claim was made by petitioners under the aforesaid scheme for grant of compensation. It is rejected on the ground that the policy is only accidental policy which is applicable only in case of accidental death/injury and as the death is due to food poisoning after eating of Roti/Bhakri, the same is not admissible.

2. We have heard Mr. Mayure, learned counsel for petitioners and Mr. Kadethankar, learned counsel for respondents. We have also gone through the policy.

3. The exclusion clause of the policy does not exclude the death by poisoning. It is not the contention of the Respondent-Insurance Company that it is a case of a suicide or the poison was taken so as to commit suicide. The scheme is a beneficial and social welfare scheme. The same will have to be given a liberal interpretation. Death due to accidental consume of poison would come within the ambit and meaning of accidental death. The order negating the claim nowhere even remotely suggest that the poison was taken by the deceased so as to commit suicide. In absence of any such reasoning, it will have to be held that it was an accidental case of poisoning. The accident is also defined under the scheme. It means an accident is an event which is wholly unexpected, not intended or designed. As the death was due to food poisoning after eating of Roti/Bhakri, the same was a mere accident.

4. In light of the above, impugned orders are quashed and set aside. It is held that petitioners are entitled for compensation of Rs.2,00,000/- each on account of the death of Tukaram Shyamrao Kartade and Shenphadabai Gangadhar Rahate. The said amount

shall be paid to petitioners within a period of three (03) months.

5. Writ Petition accordingly allowed. No cost.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/January-19