

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11892 OF 2016

Alka w/o Machhindra Kekan

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.Ashok S. Pavse advocate for the petitioner

Mr.S.K. Tambe, AGP for Respondent State

Mr. M.P. Bhaskar, advocate for respondent No.5

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CORAM : **S. V. GANGAPURWALA**

& ARUN M. DHAVALA, JJ.

(Date: March 29, 2019)

PER COURT :-

1 The petitioner claims benefits of the Shetkari Janata Apaghat Vima Yojna, thereby seeks compensation as per Government Resolution dated 18.12.2014 on account of death of the father of the petitioner.

2 The father of the petitioner was murdered by her mother on 21.8.2013 as per the FIR lodged. The Insurance Company has repudiated the claim on the ground that during the relevant period the insurance policy was not in force.

3 We have heard the learned counsel for the parties.

4 The Government resolution dated 18.12.2014 takes care of the accidents occurred and the death caused due to the accidents for a period 15.8.2013 to 22.8.2013 i.e. the period

during which the policy was not in force. If accident takes place during the period 15.8.2013 to 22.8.2013, the Government has taken upon itself to compensate the legal heirs of the deceased died in the accidents, murdered or those who suffered permanent disability.

5 The repudiation on the part of the insurance Company cannot be faulted, because at the time of death of the father of the petitioner, the policy was not in force. However, the Government resolution dated 18.12.2014 would entitle the legal heirs of the deceased for the benefits, as detailed in clause 20(8) of the Govt. resolution dated 4.12.2009 as modified by Govt. resolution dated 5.3.2011.

6 The claim will have to be assessed and verified accordingly. The scheme was very much in force though the policy of insurance may not be in force. The the Shetkari Janata Apaghat Vima Yojna is a special and social welfare scheme that will have to be construed liberally. Moreover, the Government under resolution dated 18.12.2014 has extended the benefits of the issuance policy not being in force for a period 15.8.2013 to 22.8.2013 vide Government resolution dated 18.12.2014 taking upon itself the responsibility of paying compensation amount as per the procedure provided under the said Govt. resolution.

7 In the light of above, as per the procedure, the committee

constituted on 18.12.2014, shall scrutinies the claim put forth by the petitioner for compensation on account of murder of her father, as claimed by her. It shall also consider the claims of other legal heirs of the deceased and thereafter take decision. The said decision shall be taken as early as possible and preferably within six months from today.

8 The petition is disposed of.

9 No costs.

10 We have not expressed any opinion on the merit of the matter.

(ARUN M. DHAVAL, J)

(S. V. GANGAPURWALA, J)