

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1089 OF 2023**

**DIPAK ALIAS GOVIND VISHWANATH LOKHANDE
VERSUS
MAHANANDA ACHYUT TANMOR**

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Mr. Hanmant V. Patil, Advocate for the Petitioner.

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**CORAM : SHARMILA U. DESHMUKH, J.
DATED : 02nd FEBRUARY, 2023.**

PER COURT:-

1. Learned counsel for the petitioner fairly points out the provision of Section 30 of the Employees Compensation Act, 1923, which provides for an appeal against the impugned order subject to the deposit of the amount payable under the order appealed against.

2. Considering the statutory mandate, it is not possible for this Court to entertain a writ petition for the reason of financial inability of the petitioner. It is worthwhile to note that, there is no discretion, which is vested in the Court to waive the requirements of the deposit. As such, there is no merit in the petition and is accordingly dismissed.

3. Learned counsel for the petitioner sought waiver of the condition of deposit on the ground that the petitioner in the first instance had denied the employer employee relationship and secondly, that the petitioner does not have financial ability to deposit the amount.

4. In the event, the petitioner files an appeal by complying all the statutory mandate of Section 30 of the Employees Compensation Act, the Court to consider the request for condonation of delay sympathetically.

(SHARMILA U. DESHMUKH)
JUDGE

Devendra/February-2023