



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

21 CIVIL APPLICATION NO. 1235 OF 2026
IN FAST/36782/2025

SK. FERUZ S/O SK. BABUMIYAN

VERSUS

SYED SALEEM S/O SAYED ZAKIR AND ANR.

....

Mr. Syed Rahmet Ali Ahmed Ali, Advocate for the Applicant

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CORAM : Y. G. KHOBRAGADE, J.

DATE : March 09, 2026

PER COURT :-

1. Heard the learned counsel for the applicant at length.
2. By the present application, the applicant prays for condonation of delay of 6904 days caused while lodging the appeal under Section 30 of the Workmen's Compensation Act / Employee's Compensation Act, challenging the judgment and award dated 02.11.2006, passed by the learned Commissioner under the Employee's Compensation Act in Application W.C. No.1 of 2005.
3. The learned counsel appearing for the applicant canvassed that the applicant could not file an appeal for enhancement of compensation due to poverty and financial

difficulties, as the applicant lost his job as a taxi driver and suffered permanent disability. Therefore, a delay of 6904 days, i.e., more than 18 years, is caused. However, financial difficulties cannot be considered a *bona fide* and substantial ground to condone such delay by invoking Section 5 of the Limitation Act, particularly because the non-applicant No. 2, i.e., the Insurance Company, has already filed an appeal against the said judgment and award. Further, as per the mandatory provisions of the Employee's Compensation Act, the Insurance Company had already deposited the said amount. It is also noteworthy that the present applicant/claimant has withdrawn a portion of the said amount. Nonetheless, the present applicant/original claimant had already appeared in First Appeal No. 3006 of 2008 filed by the Insurance Company against the judgment and award dated 02.11.2006, passed in Application W.C. No. 1 of 2005. Therefore, I do not find any substantial ground to condone the delay.

4. Accordingly, the application is rejected. Consequently, the first appeal is dismissed.

[Y. G. KHOBRAGADE, J.]