



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

**22 CIVIL APPLICATION NO. 1411 OF 2026
IN FAST/36784/2025**

**SHAIKH MUKTHAR AHMED NOOR AHMED @ NOOR
MOHAMMAD.**

VERSUS

SHAIKH ALEEM S/O SHAIKH KAREEM AND ANOTHER

....

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 5391 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 24.12.2010, passed by the learned Commissioner under the Employee's Compensation Act in Application W.C.A. No.2 of 2010.
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 truck driver and suffered permanent disability. Therefore, a delay of 5391 days, i.e., more than 14 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 It is also noteworthy that the present applicant/claimant has withdrawn a portion of the said amount.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.1607 of 2011 filed by the Insurance Company against the judgment and award dated 24.12.2010, passed in Application W.C.A. No. 2 of 2010. 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.]