



IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RATNESH CHANDRA SINGH BISEN

ON THE 25<sup>th</sup> OF JUNE, 2026

MISC. APPEAL No. 6468 of 2024

*AMEENA AND OTHERS*

*Versus*

*BADRI MISHRA AND OTHERS*

.....  
Appearance:

*Shri Ravendra Shukla - Advocate for the appellants.*

*Shri Neeraj Dubey - Advocate for respondent No.1.*

*Shri Atul Khare - Advocate for respondent No.2 and 3.*

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ORDER

This miscellaneous appeal under Section 30 of the Employees' Compensation Act, 1923 has been preferred by the appellants against the order dated 22.06.2024 passed by the Commissioner for Employees' Compensation-cum-Labour Court, Sagar in M.C.C. No. B-23/2019 W.C.F., whereby the application filed by the appellants under Section 5 of the Limitation Act seeking condonation of delay, as well as the claim petition, has been dismissed.

2. Learned counsel for the appellants submits that the Commissioner has adopted a hyper-technical approach in rejecting the application for condonation of delay. It is argued that the appellants are poor, illiterate villagers and were unaware of the provisions of the Employees' Compensation Act. They came to know about their legal remedy only during the criminal proceedings arising out of the accidental death of deceased Sher



Khan and, thereafter, filed the claim petition without any deliberate delay. It is further contended that the Act is a beneficial piece of social welfare legislation and, therefore, the expression "sufficient cause" ought to have been construed liberally. It is submitted that the delay was bona fide and unintentional and that the Commissioner ought to have condoned the delay instead of dismissing the claim petition on the ground of limitation. It is further submitted that regarding death of deceased Sher Khan a crime was registered against Badri Mishra and charge-sheet was filed before the J.M.F.C., Rajnagar, District Chhatarpur and trial Court has also given its finding in para 15 of the impugned judgment that the trial Court kept sympathy with the family of the deceased and advised that the family of the deceased may proceed against the Electricity Forum or Labour Court, thereafter, family of the deceased/appellants had filed application before the Commissioner, Workmen Compensation Act, Sagar, therefore, the delay was caused due to the decision of criminal case. It is further submitted that appellants are poor and illiterate persons and they have no knowledge about the law, therefore, they could not file application/petition before the Commissioner, Workmen Compensation Act, Sagar within time, therefore, Commissioner has wrongly dismissed the claim petition on ground of delay. It is further submitted that if the meter was seized from the house of deceased in that condition it is the duty of respondent No.2 and 3/Electricity Department to lodge the report against the family of the deceased. In these circumstances, the impugned order be set aside and the matter be remanded to the Commissioner for adjudication on merits.

3. Per contra, learned counsel appearing for the respondent opposed the



prayer. Learned counsel for respondent No.1 submitted that J.M.F.C., Rajnagar, District Chhatarpur in para 8 of the judgment dated 23.02.2017 has given its finding that Irfan Khan (AW-1), who is son of deceased Sher Khan, stated that his father worked with the accused as a helper in the electricity department. Approximately two year ago, the accused had asked his father to cut a light pole on an airtel tower, resulting in his death by electrocution. He filed a report (Ex.P-1) of the incident at the Bamitha Police Station and police went to the place of incident and had prepared an inquest report (Ex.P-2). Ameena (AW-2), wife of the deceased also supported the testimony of AW-1 and stated that due to non-payment of wages for approximately five months, the deceased quit working with the accused and when the accused stopped paying the accused came to the house on the date of the incident and told the deceased to disconnect the power supply and he would pay the remaking amount. The deceased then went with him to disconnect the power supply. Deceased's daughter Rukhsana (AW-3) also made the same statement. It is further submitted that from the date of incident, there is limitation of two years for filing claim petition and the appellants had filed claim petition after acquittal of respondent No.1, after an unexplained delay of nearly four years. It is contended that the only explanation offered by the appellants is that they were illiterate and unaware of the legal remedy, which by itself does not constitute "sufficient cause" under Section 5 of the Limitation Act. It is further submitted that the Commissioner, after appreciating the material on record, rightly exercised his discretion in declining to condone the delay, and no substantial question of law arises for consideration under Section 30 of the Employees'



Compensation Act. It is further submitted that at the time of seizure of the meter from the house of deceased, deceased Sher Khan died, therefore, it was impossible for Electricity Department or respondent No.1 to lodge the report against the deceased. It is further submitted that the appellants' counsel has only argued without any substantial document on record. There is no merit in the case. In these circumstance, this miscellaneous appeal be dismissed.

4. Having heard learned counsel for the parties and perused the record.

5. Upon perusal of the record, this Court is of the considered opinion that the present appeal is devoid of merit. It is not in dispute that the claim petition under the Employees' Compensation Act was filed after an inordinate delay of nearly four years from the date of the alleged accident. The explanation put forth by the appellants is that they are poor and illiterate villagers and became aware of the remedy under the Act only after the conclusion of the criminal proceedings, when the learned JMFC observed that they may seek appropriate relief before the Labour Court or the competent authority. However, mere poverty, illiteracy or ignorance of law cannot, by themselves, constitute "sufficient cause" within the meaning of Section 5 of the Limitation Act, particularly when no satisfactory explanation has been furnished for the entire period of delay.

6. The pendency of the criminal proceedings against respondent No.1 also cannot be treated as a valid ground for extending the prescribed period of limitation. The right to claim compensation accrued on the date of the death of the deceased, and the appellants were not required to await the outcome of the criminal trial before initiating proceedings under the Employees' Compensation Act. The observations made by the criminal court regarding



the availability of an appropriate remedy before the Labour Court or other competent forum did not create a fresh cause of action nor could they revive a claim that had already become barred by limitation.

7. The Commissioner has duly considered the application filed under Section 5 of the Limitation Act and has recorded cogent and well-reasoned findings while holding that the appellants failed to establish sufficient cause for condonation of delay. This Court does not find any illegality, perversity or jurisdictional error in the exercise of such discretion. Though the Employees' Compensation Act is a beneficial piece of social welfare legislation, the provisions relating to limitation cannot be ignored in the absence of a convincing explanation for an inordinate delay.

8. Accordingly, as no substantial question of law arises for consideration under Section 30 of the Employees' Compensation Act, this Court finds no ground to interfere with the impugned order dated 22.06.2024 passed by the Commissioner for Employees' Compensation-cum-Labour Court, Sagar.

9. Consequently, the miscellaneous appeal is **dismissed**.

10. Record of the Court below be sent back.

(RATNESH CHANDRA SINGH BISEN)  
JUDGE

sp/-