



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

19 CIVIL APPLICATION NO. 10943 OF 2023  
IN FAST/20885/2023  
WITH  
CIVIL APPLICATION NO. 10944 OF 2023  
IN FAST/20885/2023

MAGMA HDI GENERAL INSURANCE COMPANY LIMITED  
*VERSUS*  
RASHID LATIFSAB DESHMUKH AND ORS

...  
Advocate for Applicant : Mr. Dahat Rohit H.  
Advocate for respective Respondents : Mr. Vikrant Valse h/f  
Mr. Patel Fayaz Khurshid.  
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CORAM : S. G. MEHARE, J.  
DATE : 20.02.2024

PER COURT :-

1. Heard the respective learned counsel for the parties.
2. Issue notice to the respondents.
3. Learned counsel Mr. Patel waives service of notice for all the respondents.
4. Having regard to the reasons mentioned in the application, the civil application deserves to be allowed. Hence, the following order :

**ORDER**

- (i) Civil Application for delay is allowed.
- (ii) Delay caused in preferring the appeal is condoned.
- (iii) Office to register the appeal.
- (iv) The learned counsel Mr. Patel waives service of notice for all the respondents.
- (v) Call R and P.

**Civil Application No.10944 of 2023**

5. Learned counsel for the appellant submits that there are grounds to argue against the impugned award. The learned Tribunal did not consider the legal aspects. He prayed for stay.

6. Learned counsel for the contesting respondents submits that the appellant has no good case. Therefore, stay may not be granted.

7. Perused the impugned judgment and award. There appears some arguable points. It is a money decree. Hence, blanket stay could not be granted. Hence, the following order :

**ORDER**

- (i) Civil Application for stay is allowed.

- (ii) The execution and implementation of the judgment and award is stayed till conclusion of the appeal on the condition that the appellant shall deposit the entire amount as per the impugned judgment and award within six (6) weeks.

**(S. G. MEHARE, J.)**

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vmk/-