

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

**906 CIVIL APPLICATION NO.13577 OF 2021
IN CRAFT/30600/2021**

HEMANT MADHUKAR KULKARNI (DECEASED) THR LRS GAYATRI
HEMANT KULKARNI AND ORS
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION NO 1 AND
ANOTHER

...
Advocate for Applicants : Mr. Bhokarikar Madhav M.
AGP for Respondent No.2 : Mr. P.N. Kutti
...

AND

**917 CIVIL APPLICATION NO.13364 OF 2021
IN CRAFT/24196/2021**

ANANDSINGH GABA GIRASE (DECEASED) THR. LRS RANJIT GANGAJI
GIRASE AND ORS
VERSUS
THE EXECUTIVE ENGINEER AND ANOTHERS

...
Advocate for Applicants : Mr. Bhokarikar Madhav M.
AGP for Respondent No.2 : Mr. P.N. Kutti
...

AND

935 CIVIL REVISION APPLICATION NO.94 OF 2021

JAISINGH RUPSINGH GIRASE
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION NO. 1 DHULE
AND ANOTHER

...
Advocate for Applicants : Mr. Bhokarikar Madhav M.
AGP for Respondent No.2 : Mr. P.N. Kutti
...

AND

936 CIVIL REVISION APPLICATION NO.96 OF 2021

GANPAT HAMBIR GIRASE
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION NO.1 DHULE
AND ANOTHER

...

Advocate for Applicants : Mr. Bhokarikar Madhav M.
AGP for Respondent No.2 : Mr. P.N. Kutti

...

AND

937 CIVIL REVISION APPLICATION NO.103 OF 2021

VIJAYSINGH POLADSINGH GIRASE
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION NO. 1 DHULE
AND ANOTHER

...

Advocate for Applicants : Mr. Bhokarikar Madhav M.
AGP for Respondent No.2 : Mr. P.N. Kutti

...

AND

938 CIVIL REVISION APPLICATION NO.116 OF 2021

RANJITSINGH GANGAJI GIRASE GENERAL POWER OF ATTORNEY
ANANDABAI GANGAJI GIRASE AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER MEDIUM IRRIGATION PROJECT DHULE AND
ANOTHER

...

Advocate for Applicants : Mr. Bhokarikar Madhav M.
AGP for Respondent No.2 : Mr. P.N. Kutti

...

AND

939 CIVIL REVISION APPLICATION NO.136 OF 2021

LATE POLADSINGH GABA GIRASE THR LRS DHANSINGH POLADSINGH
GIRASE AND ORS
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION NO 1 AND
ANOTHER

...

Advocate for Applicants : Mr. Bhokarikar Madhav M.
AGP for Respondent No.2 : Mr. P.N. Kutti

...

AND

940 CIVIL REVISION APPLICATION NO.137 OF 2021

LATE MANSINGH GABA GIRASE THR LRS KOMALSINGH
MANSINGHGIRASE AND ORS
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION NO 1 AND
ANOTHER

...

Advocate for Applicants : Mr. Bhokarikar Madhav M.
AGP for Respondent No.2 : Mr. P.N. Kutti

...

CORAM : MANGESH S. PATIL, J.

DATE : 06.01.2022

PER COURT :

Heard the learned advocate for the petitioners as also the learned AGP for the respondent No.2.

2. The petitioners are seeking leave to challenge the order by preferring a revision whereby the reference court has modified the award after it was pronounced, by invoking the powers under Section 151 and 152 of the Code of Civil Procedure, even while the original award passed by the

reference court has already been challenged by them before this Court in appeals.

3. It is now being agitated that the orders under Section 151 and 152 were passed behind the back of the petitioners. They are already before the Appellate Court in the appeals challenging the original award which now will have to be modified in accordance with the orders under challenge. The orders would have the effect of modifying the original awards and when the petitioners are already before the Appellate Court they can challenge even the orders passed under Section 151 and 152 of the Code of Civil Procedure in the pending First Appeal.

4. In view of the above, the learned advocate Mr. Bhokarikar for the petitioners seeks leave to withdraw these revisions with liberty to challenge these orders in the pending first appeals.

5. Leave is granted. The revisions are dismissed with liberty as prayed for. All civil applications are disposed of.

(MANGESH S. PATIL, J.)