

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

CIVIL APPLICATION NO. 12159 OF 2021
IN CRAFT/24170/2021
WITH CRA/98/2021 WITH CRA/97/2021

BHAIKAS RAGHA KOLI
THR. LRS SMT. BINDUBAI BHAIKAS KOLI
AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER AND ANOTHER

...
Advocate for Applicants : Mr. Bhokarika Madhav M.
...

CORAM : R.M. JOSHI, J.
DATE : 03rd May, 2023

PER COURT :

1. This application is preferred for condonation of delay caused in filing Revision Application.

2. It is the contention of the applicant that an order came to be passed on 06th March, 2021, in Civil Miscellaneous Application No. 488 of 2020 in Land Acquisition Reference No. 93 of 2011, already decided on 31st May, 2019.

3. It is contended that the proceedings of modification of the award was conducted against dead person i.e. Bhaidas Ragha Koli.

4. Civil Revision Applications is filed taking exception to the said modification of the award by order dated 31st May, 2019. Learned counsel for the applicant states there were other Civil Revision Applications filed before this Court, taking exception to modification of order. It is further informed that this Court by passing order dated 06th January, 2022, has observed that it is open for the applicants to raise their grievance before the First Appellate Court as the original award is already challenged before the First Appellate Court. He seeks similar order in this case.

5. The predecessor of present applicants has already challenged the order by filing Regular Civil Appeal Stamp No. 2155 of 2021. Learned counsel for the applicants states that only because the appellant therein was deceased when the impugned order was passed on 06th March, 2021, by which, the award was modified, liberty may be granted to the applicants to agitate the appeal before the First Appellate Court.

6. There would not be any impediment for the present applicants to join themselves as the legal representatives of the deceased appellants in the said appeal (stamp) no. 2155/2021.

7. Liberty is granted to these appellants to challenge the order of modification of the award in the aforestated pending appeal.

8. In view of this, Civil Application stands disposed of.

[R.M. JOSHI, J.]

SPChauhan