



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO.789 OF 2019

Dr. Eddie Phiroz Bharucha & Ors. ...Appellants

Versus

Nationalist Congress Party & Anr. ...Respondents

**WITH
INTERIM APPLICATION NO.11882 OF 2025
IN
APPEAL FROM ORDER NO.789 OF 2019**

Dr. Nadir Eddie Bharucha & Ors. ...Applicants

Versus

Nationalist Congress Party & Anr. ...Respondents

Mr. Vishal Kanade a/w Ms. Sulesha Sheth & Mr. Farzeen C. Pardiwalla
i/by FZB & Associates for the Appellants.
None for the Respondents.

CORAM : JITENDRA JAIN, J.

DATE : 20 NOVEMBER 2025

P.C.:

1. None for the respondents.
2. The present appeal challenges an order dated 23 December 2014 passed on a motion taken out by the plaintiffs for deposit of Rs.1,62,500/- per month as compensation for the use of the suit property. The learned Judge has allowed compensation amount of Rs.25,000/- per month.
3. Being aggrieved by the aforesaid order, the plaintiffs have filed the present appeal. Pending the appeal, the defendants failed to

deposit the amount as per the impugned order and, therefore, based on an application made by the plaintiffs, the City Civil Court struck off the defence of the defendants under Order XV-A of the Code of Civil Procedure, 1908 on 26 March 2015.

4. In view thereof, nothing substantial survives in the present appeal. However, liberty is given to the plaintiffs to make fresh application for compensation, if they so desire. The trial of the main suit to be expedited. If any fresh application is made for compensation then same will be adjudicated without getting influence in any manner whatsoever with the impugned order dated 23 December 2014.

5. The appeal is disposed of in the above terms. Consequently, the interim application does not survive and is disposed of.

[JITENDRA JAIN, J.]