



WEB COPY



A.No.4413 of 20..
in C.S.No.77 of 2015
and T.O.S.No.10 of 2006

A.No.4413 of 2021
in C.S.No.77 of 2015
and T.O.S.No.10 of 2006

N.SESHASAYEE,J.

Learned counsel for the applicant submitted that due to clog in the common sewerage facility available in the suit property, in a suit in which the applicant and the respondent are battling before this Court over division of property.

2.1 Be that as it may, this Court is informed that there is some blockage of sewerage which has led to flooding of the sewerage water in the portion which is in physical occupation of the applicant. Now, he has moved this application for carrying out certain maintenance work in order the drainage facility is set right.

2.2 Learned counsel for the applicant submitted that earlier there is only an ordinary pipe which was laid for a common facility, and that requires a replacement and he submitted that it requires a maximum of two days to clear that.



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3.1 The only objection from the respondent is that he is in occupation of a portion of the property where some business is being carried on by the tenant. His grievance is that whatever the maintenance work that is proposed to be carried out by the applicant shall not cause inconvenience to the respondent or to the portion or disrupt his use of the portion that he occupies. This Court is also informed that the present situation is a creation of the applicant himself as he has changed the original level of the drainage.

3.2 The respondent was also physically present fortunately. This Court is impressed upon him that he needs to accommodate certain inconveniences that may come out of ordinary course of living in this Country.

4. This Court directs the replacement of the pipe with least inconvenience to the respondent. Learned counsel for the applicant also assures the Court that he will ensure that a lasting solution is found to this problem so that nobody is inconvenienced in the process. This statement is recorded. If the situation is to be rectified on its entirety by lowering down the entire stretch of the pipeline to a certain height it may have to be done as a long term



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solution for this problem. If in the process any damage occurs to the portion in the occupation of the respondent, the applicant is duty bound to restore it to the same position as it was when the work commenced. The learned counsel for the applicant assures this Court that this would be done. And this statement is recorded.

5. Both sides agree that the maintenance work may be carried out on 14.12.2021 and 15.12.2021.

6. In the result, this application stands allowed in terms of what are stated hereinabove.

10.12.2021

kas

Note: Issue order copy today.



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