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**C.O. 1891 of 2022**

**Kajal Bhowal  
Vs  
Smt. Susmita Bhowal & Ors**

Mr. Susenjit Banik,  
... for the petitioner.

Mr. Shaunak Ghosh,  
Mr. Rajib Mallick,  
Ms. Shreyashi Maity, ... for the opposite parties.

The subject matter of challenge in this revisional application is against the order, dated 3<sup>rd</sup> March, 2022 passed by learned Civil Judge (Senior Division), 9<sup>th</sup> Court, Alipore in title Suit No. 27771 of 2013, rejecting the petition filed by the defendant no. 2 for installation of an extra water tank and extra pipe line over the common roof of the suit property.

Admittedly, this is a partition suit.

Petitioner has been occupying third floor, while the opposite party has been occupying first floor of the subject property under reference.

Parties to this case are brothers by full blood.

Learned advocate appearing for the petitioner advertng to the copy of the petition, submits that petitioner has set out the grounds, in paragraph 2 of such petition, for installation of an extra water tank and extra pipeline over the common roof of the suit property to cope up the scarcity of water being faced

by the petitioner.

It is submitted by the petitioner that the petitioner has been facing crisis of water for the increase in the number of family members of petitioner, and as such to ensure a healthy living in the suit property, the instant prayer has been made with an object of having extra water tank and an extra pipeline from the overhead common roof of the suit property.

Learned advocate appearing for the petitioner further submits that the objection raised against such petition is purposeful simply for the sake of raising objection, and to create disturbance in the day to day living of the petitioner in the subject property under reference.

Per contra, learned advocate appearing for the opposite parties submits that though there has been a vague word used in the petition alleging increase in the number of family members of petitioner's, but the actual number increased in the family members, has not been disclosed in so many words, which has been strategically kept concealed simply to cause delay to the disposal of the pending partition suit.

It is further submitted that there is a overhead water reservoir, which supplies water to the occupants residing in respective floors of the subject

building, and there is no need of any extra water tank being put up with an extra pipeline proposed on the common roof.

It is contended that unless the present numbers of family members are disclosed, compared to the proposed needs the supply of water, with which the petitioners are enjoying is quite sufficient, and as such the need of putting up any water tank additionally, other than the water reservoir already placed at the common roof, is no longer necessary.

Having considered the submissions of both sides, it appears that the increase in the number of family members is the only reason prompting the petitioner to file the application with a prayer for installation of an extra water tank on the common roof of the suit property.

As per submission disclosed by the petitioner, there has been infusion of a new member to the family of petitioner by reason of the son of the petitioner getting married, but there is no details of the number of family members to reveal the actual increase in the number of family members of petitioner, without which there is no justification for installation of an extra water tank and extra pipeline on the common roof of the suit property.

For the discussion made hereinabove, the

impugned order does not call for any interference.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

**(Subhasis Dasgupta, J)**