

14.12.2022
rpan/04

FAT 662 of 2017
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IA No.: CAN 3 of 2022
Kamalesh Chakraborty
- Versus -
Tanusree Nandi

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh
... for the Appellant.
Mr. Rajarshi Chatterjee
... for the Respondent.

Records reveal that after directions were issued towards filing of paper books on 7th December, 2018, the appellant filed an application, being CAN 2 of 2021 '*seeking an order upon the respondent to provide the access to the reservoir for accumulation of water supplied by the Corporation so that the appellant may get uninterrupted supply of water from the overhead tank.*'

Considering the said application, a special Officer was appointed, who filed his report before the Court on 7th October, 2021. By an order passed on the said date, the application, being CAN 2 of 2021 was disposed of observing *inter alia*:

'Since the petitioner is not without water but the grievance hovers around the inadequate supply of water, we think it would sub-serve the justice if the appeal itself is disposed of.'

Thereafter, on 13th September, 2022 another application has been filed by the appellant alleging that on and from 12th August, 2022 he is not getting any water supply since the water pump through which water was lifted to the overhead tank became non-functional and accordingly, the appellant had prayed for a direction upon the respondent to replace the present boring system with a new system for the purpose of lifting water to the overhead tank.

Mr. Chatterjee, learned advocate appearing for the respondent submits that as the issue relates to water supply, his client would not stand in the way towards replacement of the boring system and installation of new water pump, if the costs to that effect are borne by the appellant.

Mr. Banerjee, learned advocate appearing for the appellant submits that the appellant is ready and willing to incur all the expenses.

In view thereof, the application, being IA No.: CAN 3 of 2022 is disposed of granting liberty to the appellant to replace the present boring system and the connected water pump, so that he may get water supply.

We have been informed that the appeal is ready for hearing and paper books have already been filed.

In view thereof, list the appeal for final hearing two weeks after the Vacation.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)