

Kashyapti Dass v. Smt. Bismanchali

RSA No. 184 of 2010

5.1.2023

Present Mr. Janesh Gupta, Advocate, for the appellants/non-applicants.

Mr. Atul Jhingan, Advocate, for respondent No.1/applicant.

CMP No. 7516 of 2019

By way of instant application, permission has been sought by the respondent to change old pipe connecting sewerage of his house to manhole of Irrigation and Public Health.

Though prayer in the instant application has been opposed by non-applicants by filing reply, but learned counsel for the parties are ad idem that in case applicant undertakes to cause repair of existing pipe line without causing any damage to the suit property of non-applicant/appellants, they shall have no objection in granting relief prayed for in the instant application.

In view of fair stand adopted by learned counsel for the parties, applicant is permitted to change old pipe line connecting sewerage of applicant's house to manhole of Irrigation and Public Health but while doing so, no fresh construction will be carried out on the suit property and change of pipes if any shall be through the land, through which pipes are already passing. It is clarified that in the event of appeal being allowed, respondent/applicant will not claim any equities.

Application stands disposed of.

**(Sandeep Sharma)
Judge**

January 5, 2023
(vikrant)