

(1910) 02 MAD CK 0087
In the Madras High Court

Sangana Reddiar and Others

APPELLANT

Vs

Perumal Reddiar

RESPONDENT

Date of Decision : 14-02-1910

Acts Referred:

Citation : 5 Ind. Cas. 921

Hon'ble Judges : Ralph Benson, J; Krishnaswamy Aiyar, J

Bench : Division Bench

Judgement

1. The plaint does not allege a defined water course. No claim is made for an easement in respect of such a water-course. The rain-water falling over certain land belonging to the plaintiff flows over to the defendant's adjoining land. This would be a natural right and the defendant cannot claim damages for any inconvenience caused to him thereby. But it is equally a natural right of the defendant to build up to the edge of his land so as to obstruct the flow of surface water from adjoining land, or he may erect a dam upon his own land which has the effect of obstructing the flow of the neighbour's surface drainage over his land. Following the decision in *Maha Mahapadyaya Rangachariar v. The Municipal Council of Kumbaconam* 29 M. 539 : 1 M.L.T. 333 : 16 M.L.J. 582, we must reverse the decrees of the Courts below and dismiss the suit. But having regard to the fact that the defendant has not distinctly raised in the Courts below, the question now dealt, we must direct each party to pay his own costs throughout.