

Supreme Court Judgement on Water Leakage from Upper Floor Flat

Indian courts, including principles upheld by the Supreme Court, have consistently held that when water leakage from an upper floor flat causes damage to another unit, responsibility lies with the offending flat owner, and that housing societies must ensure peace and maintenance among members as per society bye-laws.

Key principles established:

- **Upper floor owner's duty** - The upper floor owner is responsible for maintaining their property to prevent leakage to the lower floor, including proper installation and upkeep of plumbing, waterproofing, and structural elements.
- **Lower floor owner's duty** - The affected owner is expected to promptly notify the upper floor owner of the leakage and take reasonable steps to limit further damage, such as sealing cracks or applying waterproofing.
- **Interim relief** - Courts can grant interim relief, directing the responsible party to stop the leakage and carry out repairs even before a final judgment is passed, so residents aren't forced to wait out a lengthy trial while damage continues.
- **Role of inspection reports** - Courts often rely on engineers or experts to inspect the building and pinpoint the exact source of the leak, and their findings play a decisive role in fixing responsibility.
- **Preference for mediation** - Disputes are encouraged to be resolved amicably through mediation or arbitration first; civil litigation for compensation is a recourse when mutual agreement fails.
- **Compensation for damages** - If the leak causes structural or cosmetic damage to the flat below, the responsible party can be directed to bear repair costs and compensate the affected owner.