# East London neighbours’ £250,000 boundary battle escalates despite earlier court ruling



The ongoing legal battle between two neighbours in East London has escalated into a staggering £250,000 dispute, primarily revolving around a narrow strip of land and a garden tap. Christel Naish, an 81-year-old pensioner, asserts that the tap and pipe belonging to her neighbour, Dr Jyotibala Patel, encroach upon her property, leading to costly litigation that some legal experts deem absurd.

Despite a ruling last year in Mayors and City County Court that favoured Dr Patel—who, along with her husband Vasos Vassili, purchased their property for £450,000—Naish is now pursuing her case in the High Court. This continuation comes despite warnings that should she prevail, her expenses could balloon to an estimated £500,000, which exceeds the market price of Dr Patel’s home. The pressure of such financial implications showcases the untenable nature of boundary disputes, particularly when they involve outdated principles of property law.

The legal contention stems from a boundary dispute arising from structural changes made to the properties decades ago. In 1983, the previous owners of Dr Patel's home constructed an extension that altered the original gap's width, thereby complicating the boundaries. During the county court proceedings, Judge Stephen Hellman ruled that the separating wall of Naish's property marked the definitive boundary, granting ownership of the strip in question to Dr Patel and Mr Vassili. The judge expressed a hope that this judgement might help alleviate tensions, urging the parties to reconcile and foster neighbourly relations.

Boundary disputes are not unique to this case; they are common across property ownership, often dragging on for years due to procedural complexities and insufficient evidence. Courts may appoint local commissioners to assist with boundary verifications, although judges are typically hesitant unless the evidence presented by the parties is notably weak. Legal practitioners stress that accurate land demarcation and thorough documentation are vital, as misalignment can lead to protracted legal battles and escalating costs.

As Naish continues her appeal, which the High Court has estimated could accumulate an additional £30,000 in legal fees, the debate over the true cost of neighbourly disagreements comes into sharp focus. Senior judge Sir Anthony Mann remarked that the financial toll of this dispute is indicative of how litigation over seemingly trivial issues can tarnish the integrity of the legal system. He articulated a profound critique of the extent to which the parties are willing to go over what appears to be a minor encroachment.

Ultimately, this case encapsulates the broader challenges of boundary and land ownership disputes, which can result in fractures not just in neighbourly relations but also within the community. Instead of seeking resolution, participants often find themselves mired in financial hardship and escalated hostility.

As the case unfolds, the implications of this legal battle may resonate far beyond the properties of Naish and Patel, serving as a stark reminder of the potential costs and stresses involved in property ownership and the importance of clear boundaries.

### Reference Map

1. Paragraphs 1, 2, 3, 4, 5
2. Paragraph 6
3. Paragraph 6
4. Paragraph 6
5. Paragraph 6
6. Paragraph 1, 6

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.ardrossanherald.com/news/national/uk-today/25167547.neighbours-ridiculous-row-racks-250k-legal-bills/> - Please view link - unable to able to access data
2. <https://www.legalserviceindia.com/legal/article-2846-boundary-dispute-and-its-resolution.html> - This article discusses the commonality of boundary disputes in property ownership, emphasizing that such disputes often take years to resolve due to procedural technicalities and insufficient evidence. It highlights the challenges in proving encroachment and the importance of accurate demarcation. The piece also covers the role of local commissioners in resolving these disputes, noting that courts can appoint them under Order 26 Rule 9 of the Code of Civil Procedure to assist in elucidating matters in dispute. However, the article points out that courts are generally reluctant to appoint local commissioners unless there is a clear need, as it is the parties' responsibility to provide substantive evidence.
3. <https://www.lawweb.in/2018/04/whether-court-should-appoint-court.html> - This article examines the circumstances under which courts should appoint a court commissioner in boundary disputes. It references a ruling in the case of Yeshwant Bhaduji Ghuse Vs. Vithobaji Laxman Ladekar, where the court considered earlier judicial precedents and observed that in exceptional cases, such as determining the boundary dispute or fixing the identity of the suit land, the court is duty-bound to insist upon the parties to file accurate maps. The article emphasizes that in boundary disputes, the identity and measurement of land should be considered based on authentic evidence, and the appointment of a court commissioner can assist in resolving the controversy effectively.
4. <https://www.lawweb.in/2014/12/essential-requirements-in-suit-for.html> - This article outlines the essential requirements in a suit for the removal of encroachment on land. It discusses the role of the trial court in appointing a court commissioner to ascertain boundary marks and determine the extent of encroachment. The article references a ruling where the trial court was advised to carry out measurements and determine the boundaries of the suit field area to effectively pass consequential orders for the removal of encroachment. It also highlights the importance of accurate maps and plans drawn by competent officials to assist the court in resolving boundary disputes.
5. <https://www.latestlaws.com/judgements/bombay-high-court/2013/october/2013-latest-caselaw-128-bom> - This legal case involves a dispute over the sale of land and the rights of the parties involved. The plaintiff had longstanding relations with the defendant and had agreed to purchase the suit land at an enhanced price, with the condition of clear title and fixation of boundaries. The defendant had acknowledged the plaintiff's offer and agreed to complete the transaction. However, legal impediments arose, and the defendant promised to complete the transaction later. The case also involves a dispute over the possession of the suit land, with the defendant's step-son filing a suit seeking declaration that the defendant had no right, title, and interest in the suit land.
6. <https://lextechsuite.com/Patel-Karshanbhai-Bababhai-Versus-Patel-Bhaichandbhai-Khushalbhai-2001-06-21> - This legal case involves a dispute over the right of way through the plaintiff's land. The appellant filed a suit seeking a declaration that the defendant had no right to pass through his land and for a permanent injunction restraining the defendant from entering the plaintiff's field. The plaintiff contended that the defendant had no purpose or reason to come to the plaintiff's field and that the defendant had not used the strip of land for more than five to seven years prior to the filing of the suit. The case examines the rights of the parties concerning the use of the land and the existence of a right of way.
7. <https://kenyalaw.org/caselaw/cases/view/233551/> - This legal case discusses the rights of co-owners of immovable property and the challenges in selling undivided shares, particularly when co-owners are relatives. The court notes that while a co-owner can sell their undivided share without the authority of the court, selling such shares to third parties is challenging due to the familial relationships and potential disputes. The case highlights the complexities involved in dealing with undivided shares in property held by tenants in common and the difficulties in transferring such shares, especially when other co-owners are relatives.