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Nuisance from upstairs neighbours

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Querist : Anonymous (Querist)

10 October 2018

Hi All, I need some guidance on how to deal with unruly neighbours above my flat.

Background : I live in a 2 BHK flat in Bangalore KA. The flat above has been put on rent since past several years by the owner. Some amount of noise from ceiling and nearby flats is natural and unavoidable. However , I am facing a recurring nuisance from the tenants above my flat for about 4 years now. Below is the description of each case.

Year 2014-15 : Tenants above were a family with a small kid. There was noise every now and then of dropping toys and other objects. I tried to speak the neighbours about it how loud the noise comes across the ceiling and to put a rug/carpet where the kid usually plays. The woman slammed the door on my face saying that she cannot discipline a 2 years old kid and that I cannot understand because I do not have kids.

Year 2015-16 : This time the tenants were 3 bachelors who their individual work schedules spanned day and night so the noise of banging balcony doors , loud conversation and playing with bat/ball was common and wouldn't stop until 4 am. Plus , they had party every weekend /sat / sun with loud music and drinks. I would

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go upstairs at 2:00 am in the morning to ask them to stop the loud noise and many times it was scary because I would be talking to a bunch of drunk youngsters. I met personally with the manger and they asked me to complain online. I even spoke to the owner but the nuisance continued even after. However, at one instance I got really sick and couldn't get rest for several days/nights because of the nuisance so I decided to go the police and that's when the association got into action and spoke to owner about it and the bachelors were asked to vacate.

Year 2017- till date: New tenants were again a family with a small kid. The kid is hyperactive and runs around the house. He also loves to pound with the bat on the floor every now and then. Coupled with pulling furniture and throwing toys every now and then , it became difficult for me to stay at home , let alone work.

It's not just the kid, the grownups contribute to the noise too. They would watch movies with loud noise, put washing m/c after 11 pm , bang doors of bathroom/balcony etc.

I again decided to take the matter to association. To my surprise, association secretary told me there were no laws for such situations and people can do whatever they like in their own home. They asked me to adjust to these people as they have a small kid. I argued that it is not about written laws, it is more about having good civic sense. I cannot be asked to adjust every time a family with small kid moves into above flat.

I suggested them to use a rug where the kid plays but they refused it by saying that it may cause allergies. Even the owner has refused to listen to me saying that if I have problem with his tenants then I should pay the rent to keep the flat above vacant. Recently the kid has started cycling around the house , esp after 9 pm. I have been living there since 10 years and haven't caused trouble to anyone. I shared my problem with few other members of the society and they have asked me to use fan , headphones, going out for a walk to stay away from noise in the evening. but one cannot study or eat or watch Tv wearing headphones , certainly not for several hours. Fan and Tv cannot curb cycling noise, neither can I go out for a walk at 11:30 pm or midnight.

I am managing my work somehow during daytime but evenings and late evenings are stressful. Just because I live alone, doesn't mean I have no personal life. I want to relax and rejuvenate in my own house after a whole days work just like any other person.

My friends have suggested me to relocate but I don't want to leave my own house because of some narrow minded people who do not understand community living.



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So far , I have been using the right channel and means to voice my problem with no results. In all this process, I come across as the person who keeps complaining about tenants but it is far from the truth. I am sick and tired of asking help from association and other members of the society.

This is a recurrent problem and I would really appreciate if someone can suggest a way to mitigate this situation within the bound of state laws. I am not a person who would fight with neighbours loudly and create a ruckus. Are there are any legal steps that can be taken to make the owner/tenants that they have been disturbing my right to live peacefully in my own home since years?

Many Thanks !

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Query too long to reply.

R.K Nanda (Expert)

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Querist : Anonymous
(Querist)

Sorry about the long query. This is the first ever query posted on this forum. I thought I should provide relevant details for anyone to suggest what can be done in this regard. I have edited it now.

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Isaac Gabriel (Expert)

🕒 11 October 2018

Your concerns are genuine. But the solution is in anybody's control as the flat is meant for rent and the nuisance as you say may not end. So, it is advisable to relocate either rather than incessantly voicing discontentment.

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Dr J C Vashista (Expert)

🕒 11 October 2018

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2. Too long a story, no time even to read your problem, if any.
3. Consult a local prudent lawyer for appreciation of facts/ documents, guide and proceed.



Querist : Anonymous
(Querist)

🕒 11 October 2018

Thanks everyone for all the replies.

Mr Prasanna ,
How do you suggest I fight back ? I can't disturb them with noise through my ceiling. Like I mentioned before I have approached my acquaintances , association several times now . I am assuming that by fight back you don't mean any sort of loud arguments and verbal abuse etc because that would get me into trouble with law. Isn't it ?

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