**Arbitral award on reference of action for trespass for cutting away and weakening party-wall**

THIS IS THE ARBITRAL AWARD of me \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [insert name, address etc. of arbitrator] made the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_.

WHEREAS:

1. An action was commenced in the \_\_\_\_\_\_\_\_ of the \_\_\_\_\_\_\_\_\_\_\_\_ Court wherein [plaintiff] was plaintiff and [defendants] were defendants claiming damages for trespass.
2. The plaintiff by his statement of claim alleged in the first paragraph that the plaintiff was possessed of a house and premises situate in \_\_\_\_\_\_\_\_\_\_\_ Street in \_\_\_\_\_\_\_\_\_\_\_ and that the defendants were possessed of a house and premises adjoining the plaintiff’s house one side of the defendants’ said house being erected and built from the first floor upwards upon the wall of the plaintiff’s house and that the defendants had wrongfully cut away a portion of the said wall of the plaintiff’s said house and thereby weakened the said wall and injured the plaintiff in the possession of his said house and premises. And in the second paragraph the plaintiff alleged in the alternative that if the said wall was a party-wall dividing the houses of the plaintiff and the defendants, the defendants had by cutting away a portion of the said wall as in the first paragraph mentioned, weakened the said wall and deprived the plaintiff of the support he was entitled to have and had before the defendants committed the acts complained of.
3. The defendants by their defence denied the several allegations of the statement of claim except that the plaintiff and defendants were respectively possessed of adjoining houses and premises in \_\_\_\_\_\_\_\_\_\_ Street aforesaid and alleged that the said wall was the property of the defendants.
4. The said action coming on for trial at the \_\_\_\_\_\_\_\_\_\_ by an order dated the \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_ and made by the Honourable Mr. Justice \_\_\_\_\_\_\_\_\_\_\_ ordered by consent of the parties that the said action should be referred to the award of me the said [arbitrator] and that I should make and publish my award in writing of and concerning the matters referred ready to be delivered to the said parties in difference on or before the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ then and now next ensuing. And it was further ordered that the costs of the action should abide the event and that the costs of the reference and award should be in the discretion of me the said arbitrator.

NOW BE IT KNOWN that I the said [arbitrator] hereby make and publish this my award of and concerning the matters so referred to me as aforesaid:

1. If indregarding the wall in the pleadings mentioned that as to so much and such portions thereof (both in length from \_\_\_\_\_\_\_\_\_\_\_\_ Street backwards and in height from the foundations upwards) as was or were lessened in thickness by the cutting away and removal by the defendants the same was and is a wall divided longitudinally into two portions owned respectively by the plaintiff and the defendants each portion being subject to a cross easement in favour of the owner of the other and that the plaintiff is not now the sole owner thereof. ?
2. I further award and find that the plaintiff has a good cause of action against the defendants as regards the said party-wall in respect of the matters alleged in the second paragraph of the said statement of claim and is entitled to recover by reason of such matters the sum of Rs.\_\_\_\_\_\_\_\_\_\_\_\_ which sum I order and direct the defendants to pay to the plaintiff.
3. Lastly I award that the defendants shall bear and pay their own and the plaintiff’s costs of and incidental to the reference and shall pay the costs of this my award and settle the costs of my award at Rs.\_\_\_\_\_\_\_.

AS WITNESS etc.

[Signature of Sole Arbitrator of the Arbitral Tribunal]