

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1413 of 1995 (O/M)

Date of decision : 5.12.2016

Union of India

..... Appellant (s)

Versus

M/s Madan Lal Rakesh Kumar and another

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Karminder Singh, Advocate, for the appellant.

Mr. Paul S. Saini, Advocate, for respondents.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

M/s Tayang Traders, Tafragam via Tezu for respondent-Madan Lal Rakesh Kumar, vide Railway Receipt No. 692467, on 13.1.1990 sent a consignment of 398 pieces of Sawan Timber Sopa, valued at Rs. 2,28,850/-. When the consignment reached Rajpura after an inordinate delay of 22 days against the normal transit period of 5 to 7 days, the doors were found open, seals were broken and were without the card labels. Only 348 pieces of Sawan Timber Sopa were delivered by the appellant i.e. with a shortage of 50 pieces, for which the respondent claimed compensation.

His application was allowed by the Railways Claim Tribunal, Chandigarh Bench, Chandigarh, vide judgment dated 3.1.1995 and the Railways was ordered to pay compensation to the tune of Rs. 30,530/- with proportionate freight and interest at the rate of 12% per annum from the date

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of filing this application till the date of payment within 60 days, failing which, they will be liable to pay interest at a higher rate of 15% per annum for the entire period.

I am of the view that once the consignment is handed over to the Railways, the Railways is responsible for the same to keep it in the safe custody. Once the consignment is found short, while the goods are lying with the Railways, the Railways is to be blamed for the shortage. There is no illegality or infirmity in the impugned judgment. Hence, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

5.12.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No