



**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.2964 of 2003 (O&M)
Date of decision : 18.11.2025**

Union of India

Versus

....Appellant

Indian Oil Corporation Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vishal Garg, Advocate for the appellant.

Mr. Ashish Kapoor, Advocate and
Mr. M.S. Rana, Advocate for the respondent.

PANKAJ JAIN, J. (ORAL)

CM No.13692-CII of 2001

This is an application filed under Section 151 CPC seeking
condonation of delay of 169 days in re-filing the instant appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicant/appellant has made out a sufficient cause for
condonation of delay.

Consequently, the present application is allowed. The delay of
169 days in re-filing the instant appeal is hereby condoned.

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1). Appellant is in appeal aggrieved of award passed by Railway
Claims Tribunal, Chandigarh whereby respondent has been held entitled to

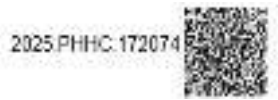


receive a sum of Rs. 32,082/- from the railways on account of shortage of 4320 ltrs of SKO which was entrusted to the railways.

2). It has come on record that respondent-Indian Oil Corporation entrusted wagon No.WR41699 to the railways vide receipt No.850211 dated: 15.09.1996 to be carried from Ex. Suchipind to Jammu Tawi. When the consignment reached the destination within the normal transit, it was found to be without top and bottom seals. At the destination, a joint dip was immediately carried out and it was revealed that there was a shortage of 4320 ltrs of SKO due to negligence and mis-conduct on the part of the railways.

3). The Tribunal after appreciating the documentary evidence, has rightly observed that once shortage was proved and the seal was tampered. The Railways was under a statutory obligation to discharge burden of proving that there was no negligence. The railways failed to bring anything on record to discharge the burden.

4). In the present appeal, the Railways have not been able to show any perversity in the findings of the Tribunal. The plea that the shortage could be attributed to reasons other than negligence, is wholly unsubstantiated. No material has been placed on record to discredit the joint dip proceedings or to demonstrate that the railways exercised due diligence in handling the wagon. The Tribunal has rightly held that the loss occurred while the goods were in the custody of the Railways and the Railways remained liable to compensate the consignor.



- 5). There being no explanation, no fault can be found with the order passed by the Tribunal holding that the appellants are liable to pay a sum of Rs.32,082 as compensation for shortage of consignment.
- 6). Resultantly, finding no merits in the present appeal, the same is ordered to be dismissed.
- 7). Pending miscellaneous application, if any, also stands disposed off.

November 18, 2025		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No