

(1925) 11 AHC CK 0036
In the Allahabad High Court

B.B. and C.I. Railway

APPELLANT

Vs

Gulabbhai Bhagwandas

RESPONDENT

Date of Decision : 30-11-1925

Acts Referred:

Citation : AIR 1926 All 296

Hon'ble Judges : Daniels, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Daniels, J.—This is a revision against a decree of the Small Cause Court. The goods were consigned at maund-rates. The freight charged in the railway receipt was Rs. 211. At destination the Railway claimed an additional sum of Rs. 819 on the ground that the goods occupied a full eight wheeled wagon. The Judge of the Small Cause Court has decided that this over-charge was not justified as the Railway Company were not entitled to alter the basis of calculation at maund-rates on which the rail receipt was granted to a calculation at wagon-rates or vice versa. This view is supported by the Pull Bench decision in Chunni Lal v. Nizam's Guaranteed State Railway Co. (1907) 29 All 228. The learned pleader for the applicant states that there is a mistake in the judgment in saying that the charge has been made at wagon rates, but I find that the passage in the judgment is reproduced verbatim from the statement made by the defendant's vakil in the Court below. Even if the applicant's case is correct and the Railway are charging on a conventional amount of 320 maunds because the goods occupied a complete wagon, this does not appear to me to make any difference in principle. The view taken by the Court below was, in my opinion, correct, and I dismiss this revision with costs.