courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 15/09/2026

(1975) 01 SC CK 0022

In the Supreme Court Of India

Case No : Civil Appeal No. 1884 of 1971

Firm Laxmi Dutt Roopchand — APPELLANT

Vs

Union of India (UOI) and Another — RESPONDENT

Date of Decision : 21-01-1975

Acts Referred:
Penal Code, 1860 (IPC) — Section 379, 411

Citation : AIR 1975 SC 760 : (1975) 77 PLR 647 : (1975) 1 SCC 341 : (1975) 7 UJ 153

Hon'ble Judges : A. N. Ray, C.J;P. K. Goswami, J;H. R. Khanna, J

Bench : Full Bench

Advocate : K.R. Nagaraja, S. K. Mehta and M. Quamruddin, for the Appellant; S.N. Prasad and Girish Chandra, for the Respondent

Final Decision : Dismissed

Judgement

A.N. Ray, C.J.—This appeal by special leave turns on the question as to whether the appellant can claim damages against the Union in respect of a consignment delivered for carriage by the Railway Administration.

2. The respondent Jhanak Lal on 11 January, 1956 consigned 35 bags of brass for carriage by Railway from Sindi Railway Station to Mirzapur. The railway receipt was consigned to self. The Railway Police on 15 January, 1956 seized the goods at Sindi Railway Station.

3. Jhanak Lal was prosecuted in respect of the goods for an offence u/s 379/411, Indian Penal Code. He was acquitted on 27 June, 1957. The Magistrate mentioned in the judgment that the brass which had been seized be returned to Jhanak Lal. It may be stated here that the Criminal Court made the aforesaid order because Jhanak Lal being the consignor and consignee was prima facie entitled to possession.

4. Jhanak Lal received the goods back from the Police in whose custody they were.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/firm-laxmi-dutt-roopchand-appellant…

5. The appellant in a letter dated 26 July, 1956 asked the Railways to pay Rs. 7098/- as the price for non-delivery of 35 bags of brass. The Railway Administration informed the appellant on 16 January, 1957 that the consignment had been seized by the Railway police in a theft case. The appellant was asked to, approach the Court for release of the consignment. The appellant did not take any steps in the criminal Court. It is to be noticed that the appellant never claimed to be the indorsee of the Railway Receipt.

6. The appellant brought a suit on 27 August, 1958 against the Union and Jhanak Lal. The appellant claimed to be indorsee of the Railway Receipt. The Courts found that there was no negligence on the part of the Railway Administration in respect of carriage of goods.

7. The appellant obtained a decree against Jhanak Lal. The decree represents the value of the goods. The Railway Administration committed no breach of duty in respect of carriage. The appellant obtained a remedy against Jhanak Lal, who obtained the goods.

8. The appeal is dismissed. Parties will pay and bear their own costs.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/firm-laxmi-dutt-roopchand-appellant…