

SUPREME COURT OF INDIA

Union of India

Vs.

Ramesh Cotton Mills Ltd.

C.A.No.2469 of 1968

(S. Murtaza Fazl Ali, Jaswant Singh and R. S. Pathak, JJ.)

21.03.1978

JUDGEMENT

FAZAL ALI, J. :-

1. This is an appeal by certificate against the judgment of the High Court dated 11th October, 1978 (?) decreeing the plaintiff's suit for damages to the extent of Rs. 38,044.25. The plaintiff's suit was dismissed by the trial Court but on appeal, the High Court passed a decree as indicated above. We have gone through the judgment of the High Court and we find that in spite of the best efforts of the Counsel for the appellant to persuade us to hold that there was no negligence on the part of the defendant, the evidence and the materials produced by the parties do show that there was negligence on the part of the Railway and the High Court was fully justified in decreeing the suit. One of the main points which impressed the High Court, was that the Railway has not been able to explain the delay of about six hours in extinguishing the fire. Mr. Bhatt, counsel for the appellant tried to give an oral explanation, which is not at all borne out by the materials on the record. In the circumstances, we are unable to find any error in the judgment of the High Court.

2. The appeal is without any merit and is, accordingly, dismissed with costs.

Appeal dismissed.