

Subrahmania Chetty and anr. Vs. the British Indian Steam Navigation Company Ltd., by their Managing Agent, Mackinnon Mackenzie

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SooperKanoon Citation : sooperkanoon.com/807253

Court : Chennai

Decided On : Dec-22-1922

Reported in : AIR1923Mad523; 72Ind.Cas.408

Judge : Krishnan, J.

Appellant : Subrahmania Chetty and anr.

Respondent : The British Indian Steam Navigation Company Ltd., by their Managing Agent, Mackinnon Mackenzie

Judgement :

Krishnan, J.

1. In this case the burden was on the plaintiff to prove shortage as the bill of lading expressly says 'that weight, contents and value when snipped unknown;' see In re Anglo-Russian Merchant Traders and John Batt & Co., London (1917) 2 K.B. 679 : 86 L.J.K.B. 1360 : 116 L.T. 805 : 61 S.J. 591. No attempt has been made by plaintiff to prove this though about a month's time seems to have been given to him by the learned District Munsif. It is urged that I should give him a further opportunity of proving his case. I am unable to do so, as I think he had ample opportunity already. The civil revision petition fails and is dismissed with costs.

