

REVISIONAL CIVIL.

Before Mr. Justice Mukerji.

SECRETARY OF STATE FOR INDIA IN COUNCIL
(DEFENDANT) v. MURLI MANOHAR (PLAINTIFF).*

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July, 30.

*Railway—Travelling by longer but quicker route—Excess fare
—Indian Railways Coaching Tariff, Rules 63, 64.*

A passenger after purchasing a ticket from Agra to Moradabad via Aligarh and Chandausi discovered that if he travelled beyond Aligarh and via Ghaziabad he would reach his destination more quickly than by the route indicated on the ticket, although he would be travelling by a longer route. He did travel accordingly and on arrival at Moradabad he was made to pay excess fare. On suit for refund, *Held* that rule 64 of the Indian Railways Coaching Tariff applies to a passenger who is found travelling, either intentionally or by mistake, by a route other than that indicated on the ticket and not to a passenger who has arrived at his destination, and that the case was governed by rule 63 and the excess fare was justified.

THE facts of the case appear from the judgement of the Court.

Pandit *Uma Shankar Bajpai*, for the applicant.

Munshi *Kamla Kant Verma*, for the opposite party.

MUKERJI, J. :—This is an application in revision by the Secretary of State for India in Council against the decision of a learned Judge of the small causes court at Moradabad.

It appears that the respondent, Mr. Murli Manohar, bought a ticket from Agra to Moradabad. He paid for the route, a portion of which branched off from Aligarh and passed through Chandausi. He however discovered, later on, that if he travelled beyond Aligarh and via

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Ghaziabad he would arrive at his destination more quickly than by the proposed route although he would be travelling by a longer route. He thought that he might travel by the longer route. He did travel accordingly and when he arrived at Moradabad, he was made to pay an excess fare. He thereupon brought the suit out of which this revision has arisen, to recover from the railway administration the amount of the excess fare. The suit succeeded in the court below and hence the revision.

The court below held that rule No. 64 of the Coaching Tariff permitted the respondent to travel by the route he chose. In this Court, his learned counsel has relied on a further rule to be found in the "Time-table" issued by the East Indian Railway and printed at page 175 as clause (r) to rule 1, under the heading "Travelling by alternative routes." On behalf of the applicant, reliance is placed on rule 63 of the Coaching Tariff which is also to be found at page 119 of the aforesaid Time-table as clause (f) to rule 2, headed "Booking of Passengers." Rule 64 is described as a rule relating to "Passengers found travelling by routes other than the booked route" and runs as follows :—

"When a passenger is found travelling on a route by which he is not booked, he may travel to destination by the shortest or quickest route, whichever he prefers, without any additional charge, fare or penalty being levied. If, however, a passenger refuses to travel by the shortest or quickest route, he will be charged the fare for the route by which he travels."

A bare reading of this rule will show that this rule applies only when a passenger is in transit. It has nothing to do with a passenger who has arrived at his destination. This rule is meant to apply to a case in which

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a passenger, either deliberately or by mistake, has selected a route by which he is not permitted to travel by the ticket. In those circumstances, the rule lays down that the railway administration will make him travel by the shortest or the quickest route, whichever he prefers. This rule cannot, by any possible interpretation, be made applicable to a case in which the journey has come to an end.

As regards the clause (r) to be found at page 175 of the Time-table, this too has no application, for it does not permit a passenger to travel beyond the place which he has to reach. The illustration given clearly shows that the point, which he must not go beyond, would be a place on the same longitude as the place of his destination. In this case, Ghaziabad is situated to the west of the longitude which must pass through Moradabad and therefore the respondent must be taken to have travelled beyond Moradabad.

The two exceptions relied on by the respondent having failed him, it must follow that rule 63 governs the case. Even if rule 63 did not exist, it must be taken that the route one travels by must be paid for. The result is that the railway administration were perfectly justified in exacting the excess fare that they did realise and the suit was not justified. I allow the application with costs and direct that the suit do stand dismissed with costs.