Privy Council Appeal No. 28 of 1923.

Marwadi Ramjivan Nevatia, a firm - - - - Appellants

H. Bhikaji and Company - - - Respondents

FROM

THE HIGH COURT OF JUDICATURE AT BOMBAY.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE 1ST FEBRUARY, 1924.

Present at the Hearing:
Lord Atkinson.
Lord Wrenbury
Lord Phillimore.

[Delivered by Lord Atkinson.]

Their Lordships have carefully considered this case during the adjournment and they do not think it necessary to call upon Counsel for the respondents. They think it is clear upon the facts that the first purchaser of these goods can get any number put upon them which he pleases; that is to say that the owner of goods in the hands of a millowner can have this done. When the numbers are attached to the goods in that way, the view their Lordships entertain is correctly expressed in the judgment of the High Court printed at page 45 of the record.

"The numbers put by the mills on the bales at the request of the original purchasers would convey no meaning to an outsider. To Ghya and Company they indicated the width of the pieces in each bale. When the bales passed out of their hands they were merely reference numbers. It would have been just the same if the numbers had been 501 and 502. There was no evidence that it was recognised in the market that the last two digits in the number of a bale would indicate the width of each piece."

In their Lordships' view the numbers when so put on indicate really nothing except the fact that the purchaser has purchased these particular goods. They do not give any warranty or indication of the quality or description.

Their Lordships will therefore humbly advise His Majesty that the appeal fails; that the Decree of the High Court should be affirmed and this appeal dismissed with costs.

[10] (B 40—1538—2)T

In the Privy Council.

MARWADI RAMJIYAN NEVATIA, A FIRM.

H. BHIKAJI AND COMPANY.

DELIVERED BY LORD ATKINSON.

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