

CONTRACT OF BAILMENT

BY –

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MEANING

- Section 148 of the Indian Contract Act, 1872 defines '*Bailment*', '*Bailor*' and '*Bailee*'. It states that a 'bailment' is the delivery of goods by one person to another for some purpose, upon a contract that they shall, when the purpose is accomplished, be returned or otherwise disposed of according to the directions of the person delivering them.



- The person delivering the goods is called the '*bailor*'. The person to whom they are delivered is called, the '*bailee*'.



- The word 'Bailment' comes from the French verb '*bailor*', i.e., to deliver. Bailment is a technical term of the common law, signifying delivery of goods, which are to be returned according to the directions of the person giving such goods.



- *For example, 'A' delivers a piece of cloth to 'B', a tailor, to be stitched into a suit – this is bailment, or 'A' lends a book to 'B', or 'A' sells certain goods to 'B' who leaves them in A's possession.*



- If a person already in possession of the goods of another contracts to hold them as a bailee, he thereby becomes the bailee, and the owner becomes the bailor of such goods, although they may not have been delivered by way of bailment.

[Explanation]



- In *State of Gujarat v. Memon Mahomed Haji Hasan*, AIR 1967 SC 1885, the court held that bailment is a relationship *sui generis* and unless it is sought to increase or diminish the burdens imposed upon the bailee by the very act of bailment, it is not necessary to incorporate it into the law of contract and to prove a consideration.



- *For examples,*
- 'A' lends a horse, which he knows to be vicious, to 'B'. He does not disclose the fact that the horse is vicious. The horse runs away. 'B' is thrown and injured. 'A' is responsible to 'B' for damage sustained.



- 'A' hires a carriage of 'B'. The carriage is unsafe, though 'B' is not aware of it, and 'A' is injured. 'B' is responsible to 'A' for the injury.

