

(1936) 12 MAD CK 0017
In the Madras High Court

Balath Kunhi Raman and Another

APPELLANT

Vs

Varayali Govindan and Another

RESPONDENT

Date of Decision : 14-12-1936

Acts Referred:

Citation : AIR 1937 Mad 340 : (1937) 45 LW 205 : (1937) 1 MLJ 329

Hon'ble Judges : Venkataramana Rao, J

Bench : Division Bench

Judgement

Venkataramana Rao, J.—This Civil Revision Petition arises out of a suit to recover a sum of Rs. 57-0-7 as and for arrears of salary due to

the petitioner. She was employed as a cook on a monthly salary of Rs. 4 per mensem in a hotel which the first defendant was running at Tirur. The

case for the plaintiffs is that at the instance of the second defendant she entered employment under the first defendant as a cook and both promised

to pay her the salary agreed. The suit was instituted on 21st November, 1934, for the arrears due in respect of the period of her service, namely,

9th November, 1931 to 8th September, 1933. The learned District Munsiff of Tellicherry dismissed it on the ground that it was barred by limitation

under Article 7 of the Limitation Act. It is contended on behalf of the petitioner that the proper article applicable is Article 102. Article 7 runs thus:

For the wages of a household One year. When the wages of a household servant, artisan or labourer not provided for by this schedule, Article 4.

vided for by this schedule, Article 4.

2. The question is, is the petitioner a "household servant" within the meaning of the article? If not, Article 102 applies. It seems to me that the

expression "household servant" in Article 7 means a servant belonging to a household, that is, a family or a domestic establishment and it is not the nature of the service rendered by the servant but the place of employment, that is, the determining factor. A hotel cannot be said to be a "household" within the meaning of the said article though hotel may be a household in the sense that it may board and lodge people but the essential feature of a household, that is, a family is wanting. It is also a place of business where for consideration food and drink are sold and persons are housed and lodged. In *Bhavathradan v. Rama* ILR (1883) 7 Mad. 99, a person whose duties are to sweep and clean a temple, was held not to be a household servant because the temple is not a household though the same servant for doing similar service in a household will be a household servant. This case indicates that the emphasis has to be placed on the term household in the article and not on the nature of the service rendered by the servant. I am therefore of the opinion that Article 102 will apply to the case and the suit is not barred by limitation. I therefore reverse the decree of the lower Court and allow the Civil Revision Petition by giving a decree in favour of the plaintiff for the amount claimed with interest at 6 per cent, from the date of the decree with costs both here and the Court below.