
(1912) 11 AHC CK 0051
In the Allahabad High Court

Mohan Lal

APPELLANT

Vs

Musammat Jumerat

RESPONDENT

Date of Decision : 02-11-1912

Acts Referred:

Limitation Act, 1963 — Article 102, 7

Citation : 17 Ind. Cas. 658

Hon'ble Judges : Rafique, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rafique, J.—This is an application in revision u/s 25 of the Small Cause Courts Act. The facts, which have led to the making of the present application, are as follows: Musammat Jumerat, the opposite party, was employed by the applicant in December 1907, to suckle and nurse his infant girl. Musammat Jumerat served the applicant up to January 1910. In November 1910, she instituted a suit, in the Court of Small Causes at Jhansi, to recover Rs. 150 on the allegation that she had been employed by the applicant at Rs. 10 a month to suckle and nurse his child and served him for 26 months, for which she had not been paid anything. She gave up her claim for Rs. 110 and claimed only Rs. 150. The defendant-applicant denied having employed Musammat Jumerat as a wet-nurse at Rs. 10 per month. He further pleaded that the claim was barred by limitation. The learned Judge disallowed the pleas in defence and decreed the claim for Rs. 150. It is urged on behalf of the applicant in this Court that the case falls under Article 7, Schedule I of the Limitation Act, 1903, as Musammat Jumerat was a household servant. Her wages became due at the end of every month, and her cause of action accrued on the default in payment of her wages at the end of the month and hence the claim is clearly barred except for three months. For the opposite party, the contention is that Musammat Jumerat is not a house-hold servant and that her case is covered by Article 115 of the first Schedule of Act IX of 1908. No authority has been cited on either side to show whether a wet-nurse does or does not fall within the definition of a house-hold servant. I do not think

that a wet-nurse can properly come under the definition of household servant. The case of Musammat Jumerat does not, in my opinion, fall under Article 7 of the first Schedule of the Limitation Act. I think her case is covered by Article 102 of that Schedule and her claim is, therefore, within time. The application is therefore, dismissed with costs.