

## APPELLATE CIVIL.

*Before Mr. Justice Maung Ba.*

R. SEWARAM

v.

LACHMINARAYAN.\*

1927

May 20.

*Limitation Act (IX of 1908), Sch. I, art. 7—Motor-car driver whether an artisan.*

A motor-car driver is an artisan within the meaning of Art. 7 of Sch. I of the Limitation Act. He must therefore sue for his wages within one year from the date when his wages accrue due.

*Bhooee Ram*—for the Applicant.*S. M. Bose*—for the Respondent.

MAUNG BA, J.—The main argument in this case is that a motor-car driver is an artisan within the meaning of Article 7 of the Limitation Act and that part of the claim was time-barred. According to Webster's Dictionary an artisan is one trained to mechanical dexterity in some mechanical art or trade. A motor-car driver is required at least to know how to start the car, how to steer it and how to stop it. For such purposes he must possess some skill in manipulating the different parts of the mechanism. I think he should be included in the category of an artisan. I also cannot see any reason why he should be treated differently from a household servant or labourer and given the benefit of a longer period under Article 102. In their case the period of one year is in my opinion long enough for them to assert their claim against their employer. It would seem unreasonable to keep their employer uncertain for a longer period whether such claim would be made or not.

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\* Civil Revision No.  $\frac{283}{284}$  of 1926.

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 J.

Applying this Article to the case the wages other than those for February and December 1924 would become time-barred. The amount of Rs. 300 has been held to be a part payment towards the wages and so the respondent would be at liberty to apply the same towards wages for previous months.

As regards the counter claim no sufficient ground is made out for interference in revision with the finding of the lower Court.

I therefore modify the decree by reducing the amount to Rs. 160 with costs on that amount in both Courts.

## APPELLATE CIVIL.

*Before Mr. Justice Heald and Mr. Justice Chari.*

1927  
 June 1.

MA PAING

v.

MAUNG SHWE HPAN AND OTHERS.\*

*Buddhist Law—Civil Procedure Code (Act V of 1908), s. 60—Buddhist husband's interest in properties of the marriage indeterminate and therefore not a saleable property in execution of decree against husband—Wife's suit for partition and declaration of half share not maintainable—Liability of marriage property to satisfy family debts—Procedure.*

In execution of their decrees against a Buddhist husband who was managing the family business and had incurred the debts, the creditors attached certain properties of the marriage between the husband and his wife. The wife obtained from the executing Court a release of her interest, whatever it was, in the properties from the attachments. Respondents bought the properties at the execution sale and were put in possession. The wife filed a suit for a declaration that she had half share in the properties and asked for possession of such share.

*Held*, that the interests of a Burmese Buddhist husband and wife are impartible and indeterminate so long as the marriage subsists and that where the husband manages the business of the family a decree against the husband can be executed against the whole property of the marriage. The wife's claim to partition was not sustainable. The husband's share too was impartible and his

\* Civil First Appeal No. 132 of 1925. For the Full Bench Reference in this Case and Judgment, see (1927) 5 Ran. 296.