

**Appellate Jurisdiction.(a)**

*Referred Case No. 20 of 1875.*

PYLWAN JARKAN SAHIB VASTHATH.....*Plaintiff.*

JENAKA RAJA TE'VAR.....*Defendant.*

A suit for arrears of a monthly payment agreed to be made for instructions in fencing and wrestling is not governed by the 7th clause of the Limitation Act, as that clause does not apply to the pay of a teacher or instructor.

**T**HIS was a case referred for the opinion of the High Court, under Section 22, Act XI of 1865, by Mr. C. W. W. Martin, the Acting Judge of the Court of Small Causes at Madura, in Suit No. 599 of 1875. 1875.  
August 16.  
R. C. No. 20  
of 1875.

The following is the statement of the case for the decision of the High Court:—

“ Plaintiff sues defendant under an alleged verbal contract whereby defendant was to pay him 15 Rupees per mensem for instructions in the arts of wrestling and fencing.

“ The time at which he has laid the contract is from 1st March 1873 to 31st July 1873, and the question on which I request the opinion of the High Court is whether Section 7 of the Limitation Act is the section applicable to the case ?

“ The word generally applied to persons of such a profession in England is the word artist, but I find from the dictionaries that artist is almost synonymous with artisan, and that “ manual dexterity” is the leading characteristic of both artists and artisans.

“ If the complainant be held to be an artisan, the character of his employment with the defendant was such as to make his present claim to be for “ the wages of an artisan,” and I have found it to be so.”

No Counsel were instructed.

(a) Present :—Sir W. Morgan, C. J., and Forbes, J.

1875.  
August 16.  
R. C. No. 20  
of 1875.

The Court delivered the following

JUDGMENT :—The 7th clause provides for suits “ for the wages of a domestic servant, artisan or labourer not provided for by this Schedule No. 4,” and No. 4 relates to suits for wages, hire or price of work under Act IX of 1860 (“ to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers.”) In the case stated, the suit is for arrears of a monthly payment agreed to be made for instructions in fencing and wrestling. Such a suit is not, in our opinion, governed by the 7th clause, which applies to the wages of servants and labourers skilled and unskilled but not to the pay of a teacher or instructor.

---

### Appellate Jurisdiction.(a)

*Special Appeal No. 484 of 1871.*

KUTTI AMMAL.....(*Plaintiff*) *Special Appellant.*

RADAKRISTNA AIYAN (*2nd Defendant*) *Special Respondent.*

A sister may succeed to her brother and sue for the recovery of property unlawfully alienated by their mother which the latter inherited on the death of her son.

1875.  
August 27.  
S. A. No. 484  
of 1871.

THIS was a Special Appeal against the decision of Mr. P. P. Hutchins, the Acting Civil Judge of Tanjore in Regular Appeal No. 183 of 1870, presented against the decree of the Court of the District Munsif of Mannargudi in Original Suit No. 40 of 1869.

Plaintiff stated that she and 1st and 3rd defendants were sisters; that their father, who had no male issue, died 15 years ago leaving certain properties which were in the enjoyment of his widow, the mother of the plaintiffs

(a) Present :—Sir W. Morgan, C. J., and Innes, J.