

1959 *Present : Basnayake, C.J., and Sansoni, J.*

SINNADURAI, Appellant, *and* MANIMUGALAI, Respondent

S. C. 550—D. C. Jaffna, 10626

*Civil Procedure Code—Section 218 (j)—Driver of an omnibus—Is he a “labourer”
or “domestic servant”?*

The driver of an omnibus is not a labourer or domestic servant within the
meaning of section 218 (j) of the Civil Procedure Code.

¹ (1913) 17 N. L. R. 83.

APPEAL from a judgment of the District Court, Jaffna.

C. Chellappah, for Defendant-Appellant.

K. Sivagurunathan, for Plaintiff-Respondent.

October 9, 1959. BASNAYAKE, C.J.—

The only question which arises for decision in this appeal is whether the driver of an omnibus belonging to the Ceylon Transport Board comes within the provisions of Section 218 (j) of the Civil Procedure Code. That provision declares that "the wages of labourers and domestic servants" shall not be liable to seizure and sale in execution of a decree of court. In our opinion the driver of an omnibus does not come within the ambit of either of the expressions labourer and domestic servant.

The appeal is dismissed with costs.

SANSONI, J.—I agree.

Appeal dismissed.