

Giga Vs. Muhammad Amin

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Court : Allahabad

Decided On : Oct-04-1912

Reported in : 17Ind.Cas.799

Judge : Rafique, J.

Appellant : Giga

Respondent : Muhammad Amin

Judgement :

Rafique, J.

1. This is an application in revision by one Giga, praying that the order of the learned Cantonment Magistrate, dated the 23rd of July 1912, be set aside. It appears that Giga had employed Muhammad Amin, the opposite party, to work at the shop of the former. Muhammad Amin took a loan from the applicant for which he gave an agreement. Before the loan had been paid off, Muhammad Amin left the service of Giga. The latter filed a complaint under Act XIII of 1859, in the Court of the Cantonment Magistrate, for the recovery of the loan or for an order directing Muhammad Amin to return to work. The learned Magistrate referred the matter to arbitration. The majority of the arbitrators filed an award decreeing Rs. 51-4-0, to Giga, the applicant. That sum, I understand, has been paid. It is contended for the applicant that the learned Magistrate had no jurisdiction to delegate his powers under Act XIII. of 1859, to arbitrators. I find that the objection taken by the

applicant need not be considered as his application must fail on another ground. The loans that can be recovered under Act XIII of 1859, are the loans which are advanced by employers to their workmen for doing specific work. In the present case, it is admitted that the money advanced to Muhammad Amin was not advanced for doing any particular work. Whatever work he was doing at the time that he took the loan had been finished and nothing of it remained to be done. Under these circumstances the applicant's petition to the learned Magistrate could not be entertained, vide In the matter of Anusoori Sanyasi 28 M. 37 (F.B.); 2 Cr. L.J. 149. The application fails and is rejected.

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