
(1931) 11 AHC CK 0005
In the Allahabad High Court

Bindeshari

APPELLANT

Vs

B. Banshi Lal

RESPONDENT

Date of Decision : 26-11-1931

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 60(a)

Citation : AIR 1932 All 344 : (1932) ILR (All) 399 : 136 Ind. Cas. 280

Hon'ble Judges : Niamatullah, J

Bench : Division Bench

Judgement

Niamatullah, J.—This revision arises out of execution proceedings. The respondent obtained a decree for Rs. 297 against the applicant Bindeshari who is a soap manufacturer by profession. The respondent attached certain articles specified in lists A and B annexed to his application for execution. It was objected by the judgment-debtor that the articles attached were his "cooking vessels" and "tools of an artisan" within the meaning of Section 60, Clauses (a) and (b), Civil P.C. and were not liable to attachment and sale in execution of a decree. This objection was dismissed by the lower Court except as regards a batua. Besides the batua exempted, list B mentioned two other articles, a that and a gagra. List A gave particulars of a number of articles which formed the paraphernalia of the judgment-debtor's soap factory. It includes a brass seal for making soap cakes, an iron pan, canisters, tubs, etc. It cannot be disputed that all these articles are necessary for manufacturing soap. The order of the lower Court proceeds on the ground that gagra and batua are not cooking utensils and: that the articles specified in list A cannot be considered to be tools of an artisan. Accordingly it directed the sale of all the properties attached except a batua as already stated. In revision it is contended that all the articles aforesaid are exempt from attachment and sale in execution of a decree in view of the provisions of Section 60, Clauses (a) and (b), Civil P.C.

2. In my opinion, Section 60, Clauses (a) and (b), ought to receive a liberal interpretation. A that is one of the most necessary cooking vessels in a Hindu

household. Gagra, which is a brass jug for water, though not indispensable, is generally part of kitchen requirements in the society to which the judgment-debtor belongs. The expression "cooking vessels" does not mean only vessels in which food is actually cooked but includes vessels necessary for cooking operations. I am satisfied that these two articles are "cooking vessels" within the meaning of Section 60, Clause (a), Civil P.C.

3. As regards the paraphernalia for manufacturing soap, the question is whether the judgment debtor can be considered an artisan within the meaning of Section 60, Clause (b), and the articles which form such paraphernalia can be considered to be his "tools." The meaning of the word "artisan" as given by Murray in his Dictionary, is "one who practices or cultivates an art," an "artist." If this definition of the word "artisan" be accepted, and there is no reason why it should not be, (though in common parlance it is generally taken to mean handicrafts man) one who practises the art of soap making should be considered to be an artisan within the meaning of that word in Section 60, Clause (b). The word "tool" is defined in the same dictionary as:

Any instrument of manual operation, a mechanical implement for working upon something as by cutting, striking, rubbing, or other process, in any manual art or industry, usually one held in and operated directly by the hand (or fixed in position, as in a lathe), but also including certain simple machines, as the lathe.

4. This is a very comprehensive definition of the word "tool" and would prima facie include the entire paraphernalia for the soap factory of the judgment-debtor. I hold that all the articles mentioned in list A should be considered as tools of an artisan within the meaning of Section 60(b), Civil P.C. and therefore exempt from attachment and sale in execution of a decree.

5. The result is that this application for revision is allowed. The articles attached in execution of the respondent's decree shall be forthwith released.