

(1926) 02 BOM CK 0022
In the Bombay High Court
Case No : First Appeal No. 112 of 1925

Hira Jitajishet Marwadi

APPELLANT

Vs

Daula Khetajishet Marwadi

RESPONDENT

Date of Decision : 09-02-1926

Acts Referred:

Dekkhan Agriculturists Relief Act, 1879 — Section 20

Citation : (1926) 28 BOMLR 539 : 95 Ind. Cas. 259

Hon'ble Judges : Norman Macleod, J;Coyajee, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Norman Macleod, Kt.,C.J.

1. The appeal must be allowed. The decision in Mulji Purshottam Thakkar Vs. Goverdhandas Tribhuvandas, has no application to the case, That case was decided u/s 20 of the Dekkhan Agriculturists" Relief Act. Section 21 says :-"No agriculturist shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Act comes into force." So that the question is whether a person sought to be arrested is an agriculturist at the time of the arrest, and if he is, then he is exempt.

2. The case must, therefore, go back to the trial Court for a finding on whether the defendant is entitled to exemption u/s 21. The appellant is entitled to his costs.