

(1926) 02 BOM CK 0015
In the Bombay High Court

Hira Jitajishet Marwadi

APPELLANT

Vs

Daula Khetajishet Marwadi

RESPONDENT

Date of Decision : 09-02-1926

Acts Referred:

Dekkhan Agriculturists Relief Act, 1879 — Section 20, 21

Citation : AIR 1926 Bom 287

Hon'ble Judges : Macleod, C.J

Bench : Division Bench

Judgement

Macleod, C.J.—The appeal must be allowed. The decision in *Mulji v. Goverdhandas* AIR 1923 Bom. 36 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.

2. 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.

3. 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.