
(1979) 03 AP CK 0006
In the Andhra Pradesh High Court
Case No : C.R.P. No. 699 of 1977

Kondur Swamy

APPELLANT

Vs

Yellur Danamma

RESPONDENT

Date of Decision : 02-03-1979

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 60(1)(b), 60(a)

Citation : (1979) 03 AP CK 0006

Hon'ble Judges : Punneya, J

Bench : Single Bench

Advocate : K. Mahipathi Rao, for the Appellant;

Judgement

Punneya

1. This revision is directed against the order passed by the District Munsif, Kollapur, in O. S. No. 47 of 1976. The petitioner herein is the defendant in the above mentioned suit. The Respondent filed the suit against the petitioner for the recovery of Rs. 1,226/- on the foot of the promissory note executed by him in favour of the respondent on 3-9-1976 for Rs. 1,200/-. Hereafter the petitioner will be referred to as the defendant and the respondent and the respondent as the plaintiff as arrayed in the suit. In the written Statement filed by the defendant, the defendant took the plea that the suit is not maintainable as it is bit by the Andhra Pradesh Agricultural Indebtedness (Relief) Ordinance, 1976. The Defendant contends that he is a rural artisan, as he and his family live by preparing patrolies. The learned District Munsif had to examine the point whether the defendant is a rural artisan or not. He examined the meaning of "artisan" as per the Chamber's 20th Century Dictionary and came to the conclusion that the meaning of the "artisan" could be a person that works with his hand for the production of articles of beauty with his skill and hence he held that the defendant does not come within the definition of the "artisan" and is therefore not entitled to the benefit of Andhra Pradesh Agricultural Indebtedness (Relief) Ordinance, 1976. Sri Mahipathi Rao, the learned counsel for the petitioner,

contends that the defendant, earns his livelihood on the production of patrolies, which is a handicraft and hence the lower court is not justified in not treating the defendant as artisan as defined u/s 37(r) of the Ordinance. In Mahabir vs. Raghunandan AIR 1935 Allah. 348 the decree holder attached certain utensils belonging to the judgment debtor and the judgment debtor objected that these were exempt u/s 60 (1) (b) C.P.C. as the tools of an artisan. The lower court allowed the objection on the ground that a sweet-meat vendor was an artisan when he prepared the sweet-meat birr self personally and as the utensils were used by the judgment debtor for preparing sweets, they are not liable for attachment. The learned judge accepted the view taken by the lower court as correct and held that an artisan is not merely a person who is engaged in mechanical employment but a person who works in the production of some commodity and that whatever he uses for the production of the commodity may be considered as his tools and thus confirmed the order of the lower court. The learned judge also followed a ruling of the same High Court in Bindeshari vs. Banshi Lal AIR 1932 Allah. 344. In that case the decree holder proceeded against the judgment debtor in execution of his decree and got the cooking vessels of the judgment-debtor attached. The judgment debtor raised objection that as the cooking-vessels come within the meaning of section 60 (a) and (b) C.P.C. they were not liable to attachment and sale in execution of the decree. The executing court rejected the petition. But the learned judge Niamatullah, J. held that the cooking utensils were being used by the judgment-debtor for making soaps and those articles are necessary for manufacturing soap and hence they cannot be attached as they come within the meaning of section 60 (a) and (b).

2. The word "rural artisan" as defined in section 3 (r) of the Ordinance means a person who does not held any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things used for agriculture or purpose ancillary thereto, and includes a person who normally earns his livelihood by practising a craft either by his own labour or by the labour of all or any of the members of his family in rural area. The definition is wide and comprehensive, since it includes a person who normally earns his livelihood by practising a craft either by his own labour or by the labour of all or any of the members of his family in the rural area. The defendant and the members of his family are engaged in preparing patrolies and earning either livelihood by selling them. According to the learned District Munsif, preparation of patrolie does not come within the expression practising a craft", as the craft should be prepared with skill and beauty. I do not think that the view taken by the learned District Munsif is acceptable. The craft mentioned in the definition should be given a liberal interpretation. Rural artisans popularly known are Goldsmiths, Blacksmith, Carpenter, Weaver, the Potter, Barber and the oil-morger as they are engaged in the preparation of the traditional handicrafts. But with the advancement of civilisation several handicrafts came into being in the villages and those handicrafts are being adopted for earning their livelihood. Even the person who prepares sweet--meats in his house or prepares soaps in

his house also is held by the courts (in cases cited above) as artisan. It is, therefore, clear that whoever practises a craft i. e., handicraft or cottage industry comes within the definition of section 3 (r) of the Ordinance. Preparation of patrolies is also one such craft adopted by some families in the villages for earning their livelihood like any other artisan. Even for the preparation of patorlies, some amount of skill and training are necessary. It is also a cottage industry and the persons engaged in the patrolies for earning their livelihood undoubtedly are artisans. When the definition given u/s 3 (r) of the Ordinance is so wide and comprehensive as to include anyone engaged in a handicraft for earning his livelihood either by his own labour or by the labour of all or any of the members of the family, the persons engaged in the preparation of patrolies for earning their livelihood also come within the class of artisans as defined u/s 3 (e) of the Ordinance. The learned District Munsif, is, therefore not justified in giving a restricted meaning to the word "artisan" as u/s 3 (r). The defendant has not adopted the craft of preparing patrolies for pleasure or as a bobby. But he and his family members have chosen this handicraft viz., the preparation of patrolies for earning livelihood and thus it provides the main or sole source for the family income. As the Legislature in its wisdom has thus provided a wide and comprehensive definition under section 3 of the Ordinance so as to include all types of artisans who earns their livelihood by practising a handicraft either by his own labour or by the labour of all or any of the members of his family in rural area, it is not desirable for the court to give a restricted meaning to the said definition. For the reasons stated above, I have no hesitation to hold that the defendant, who earns his livelihood by the preparation of patrolies both by his own labour and the labour of all the members of his family is an artisan and hence he comes within the definition of section 3 (r) of the Ordinance. He is, therefore entitled to the benefits of Andhra Pradesh Agricultural Indebtedness (Relief) Ordinance, 1976. I, therefore set aside the order of the lower court and the revision is allowed without costs. The lower court is directed to dispose of the suit according to law in the light of the finding given by me herein.