

(1941) 08 MAD CK 0002
In the Madras High Court

Kuppala Subbarayudu and Another		APPELLANT
	Vs	
Ammanamanchi Venkatasubbamma		RESPONDENT

Date of Decision : 27-08-1941

Acts Referred:

Citation : AIR 1942 Mad 375 : (1942) 55 LW 176 : (1942) 1 MLJ 87

Hon'ble Judges : Venkataramana Rao, J

Bench : Division Bench

Judgement

Venkataramana Rao, J.—In Parvataneni Lakshmayya Vs. The Official Receiver of Krishna, for-the purpose of Section 60 (1) (c), Civil

Procedure Code, an agriculturist is defined as follows:

An "agriculturist" within the meaning of Section 60 (1) (c) of the CPC must be a tiller of the soil really dependent for his living on tilling the soil and unable to maintain himself otherwise.

2. It seems to me having regard to evidence in this case the appellants would be agriculturists within the meaning of Section 60 (1) (c). The

evidence in this case is that the appellants have no other Vocation except agriculture. They keep their plough, bullocks and carts in their house.

Therefore the house is really used for the purpose of carrying on their calling effectively as agriculturists. This would satisfy even the view taken in

Muthuvenhatarama Reddiar v. Official Receiver, South Arcot (1925) 50 M.L.J. 90. : ILR Mad. 227 on which the lower Courts rely

3. I therefore reverse the decision of both the lower Courts and hold that the appellants can claim exemption u/s 60(i)(c) of the Code of Civil

Procedure. I direct each party to bear his own costs throughout.

4. Leave to appeal is refused.