
(1935) 04 AHC CK 0018
In the Allahabad High Court

Mahabir Prasad

APPELLANT

Vs

Raghunandan Lal

RESPONDENT

Date of Decision : 17-04-1935

Acts Referred:

Emigration Act, 1983 — Section 60(1)(b)

Citation : AIR 1935 All 848 : 158 Ind. Cas. 623

Hon'ble Judges : Bennet, J

Bench : Division Bench

Judgement

Bennet, J.—This is an application in revision by a person who calls himself a defendant. This however is admittedly a mistake for "decree-holder." 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) as the tools of an artisan. The lower Court allowed the objection on the ground that a sweetmeat vendor was an artisan when he prepared the sweetmeats himself personally. I understand this finding means that these utensils are used by the judgment-debtor for preparing sweets. There is therefore no question of an abandonment by the judgment-debtor of his occupation. Learned Counsel relied merely on the statement that he was now employed in service at a shop and formerly had been a shop-keeper. He is apparently employed for the purpose of making sweets. The next argument was that such a person would not be an artisan and learned Counsel relied on a ruling in Emperor v. Haji Shaik Mahomed Shustari (1908) 32 Bom. 10. That ruling laid down that certain persons who were engaged in driving engines were artisans for the purpose of the Indian Emigration. Act. The ruling has no bearing whatever on the present case. There are two rulings which are similar, one quoted by the lower Court, Bindeshri v. Banshi Lal 1932 All 344 in which it was held that the utensils of a soap-maker are exempt as being the tools of an artisan. Similarly in Laxman Mahsu v. Narhari Dadasa 1924 Bom. 294, it has been held that articles for making jaggery sugar are exempted. I consider 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. For these reasons I consider the lower Court was correct and I dismiss this application with costs.