

(1917) 05 AHC CK 0012

Allahabad High Court

Case No: None

Tej Singh and Others

APPELLANT

Vs

Banwari Lal and Others

RESPONDENT

Date of Decision: May 18, 1917

Acts Referred:

- Provincial Insolvency Act, 1920 - Section 60(c)

Citation: AIR 1917 All 427 : 40 Ind. Cas. 544

Hon'ble Judges: Walsh, J; Tudball, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

1. The appellant applied to be adjudicated an insolvent. At the time of his application he owned and possessed considerable zemindari and many houses including the one now in question in which he resides. He also cultivated some land The rest of the property has all been sold by the Receiver. He objects to the sale of his residential house and the plea taken is that he being an agriculturist, his house and property cannot be attached and sold L execution of a decree and, therefore, under the terms of the Insolvency Act cannot be sold by the Receiver. The appellant's own application shows that he placed this house at the disposal of the Court for sale if necessary to satisfy his creditors. At that time he was not an agriculturist in the true meaning of the word. His chief source of income was his zemindan and his house property was not property exempt from safe in execution of a decree under Clause (c) of Section 60. There is, therefore, no force in this appeal, and we therefore, dismiss it with costs.