

PART N. —EXECUTION OF DECREES AGAINST
AGRICULTURISTS.

1. The following property of an agriculturist is exempt from attachment and sale:

- (a) the necessary wearing apparel, cooking vessels, beds and beddings of the judgment debtor, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman. (Section - 60 (1) (a) of the Code.);
- (b) implements of husbandry, and such cattle and seed-grain as may, in the opinion of the Court be necessary to enable him to earn his livelihood as an agriculturist and such portion of agriculturist produce or any class of agricultural produce as may have been declared by the State Government to be free from liability under section 61. (vide also clause (b) of the proviso to Section 60(1) of the Code);
- (c) where the judgment debtor is liable to pay land revenue, so much of the produce of the land as the Collector thinks necessary for seed-grain and the subsistence until the harvest next following, of the judgment-debtor, his family and cattle exempted under head (b) (Section 70 of the Punjab Land Revenue Act read with Section 88 of the Punjab Tenancy Act and Section 60(1) (p) of the Code of Civil Procedure). Under Section 61 of the Civil Procedure Code, the Punjab Government has declared that in the case of agriculturists, the judgment-debtor's entire fodder crops, including gram, oats chari, maize and guara, one third or 20 maunds, whichever is greater, of foodgrains, and one third of all other crops shall, subject to the provisions of clauses (b) and (p) of sub-section (1) of Section 60 of the Civil Procedure Code and of the proviso to Section 70 of the Land Revenue Act, be exempted from liability to attachment or sale in the execution of a decree for the purpose of providing, until the next harvest for the cultivation of land and for the support of the judgment-debtor and his family.
- (d) Houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary

Property exempt from attachment and sale etc.

for their enjoyment belonging to an agriculturist and not proved by the decree holder to have been let out on rent or lent to persons other than his father, mother, wife, son, daughter, daughter-in -Law, brother, sister or other dependants or left vacant for a period of a year or more. (section 60 (1) (c) of the Code and section 35 of Punjab Relief of Indebtedness Act as amended by Punjab Act XII of 1940).

- (e) Mulch animals, whether in milk or in calf, kids, animals, used for the purpose of transport or draught cart or open spaces or enclosures belonging to an agriculturist and required for use in case of need for tying cattle, parking carts or stacking fodder or manure (clause deemed to be added to the Proviso to section 60(1) of the Code , by P:Act XII of 1940)
- (f) standing crops except cotton and sugarcane. [Section 10(1) of the Punjab Debtors' Protection Act].
- (g) Standing trees apart from the land on which they stand cannot be sold [Section 10(2) of the Punjab Debtors' Protection Act.]

Exemption of ancestral immovable property.

2.The Punjab Land Alienation Act, 1900 was repealed by the adaptation of Laws (Third Amendment) Order, 1951. (S.R.O. 508, dated the 4th April, 1951). There is now no bar to the sale in execution of a decree of the land belonging to an agriculturist.

No. bar to the sale of land belonging to an agriculturist.

3.Attention is invited to the provisions of section 9 of the Punjab Debtors' Protection Act which lays down that ancestral immovable property in the hands of a subsequent holder shall not be liable in the execution of a decree or order of Court relating to a debt incurred by any of his predecessors-in-interest. This rule, however, is to be applied only "when custom is the rule of decision in regard to succession of immovable property". It is not applicable when the debt has been expressly charged by way of a mortgage.

Attachment and sale to be carried out through Collector.

4.The attachment and sale of the land and its produce will be carried out by an order addressed by the Civil Court to the Collector or such Revenue Officer as he may appoint in this behalf under Section 141 of the Punjab Land Revenue Act and subject to the rules made thereunder and the provisions of the Code contained in Order 21, Rules 44, 45, 74, and 75,