

# Rajasthan Partnership Rules, 1952

RAJASTHAN

India

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### Rule RAJASTHAN-PARTNERSHIP-RULES-1952 of 1952

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Rajasthan Partnership Rules, 1952Published vide Notification No. F. 24 (24) Clause (B)/50. dated 28-8-1952, published in Rajasthan Gazette Ordinary Part 4-B. dated 6-9-1952.In exercise of the powers conferred by sub-section (2) of Section 71 of the Indian Partnership Act, 1932, the Government of Rajasthan is pleased to make the following Rules, the same having been previously published.

#### 1. Short Title.

(a)These Rules may be called the Rajasthan Partnership Rules, 1952.(b)They shall come into force from the date of their publication in the Rajasthan Gazette. [These Rules have been first Published in Rajasthan Raj-Patra. dated 28-8- 1952, Part IV (C). at page 285.]

#### 2. Definitions.

- In these rules, unless there is anything repugnant to the subject or context-(a)"The Act" means the Indian Partnership Act, 1932.(b)"Firm" means a body of persons consisting of two or more partners, to which the Act applies.(c)"Section" means a Section of the Act.(d)"Document" includes statements, intimations and notices prescribed by the Act, and(e)"Registrar" means a Registrar of Firms appointed under Section 57 of the Act.

#### 3. Forms of statements.

- The Statement required to be sent or delivered to the Registrar under Section 58 shall be in Form appended to these rules and be verified in the manner prescribed for verification of complaints in Civil Suits.

#### **4. Form of Intimations and Notices.**

- Statements, intimations and notices required under Sections 60, 61, 62 and 63 shall respectively be in Forms B, C, D, E and F appended to these Rules.

#### **5. Mode of Lodging Documents.**

- Documents either on payment of the prescribed fee be lodged with the Registrar in person or sent to him by post under registered cover alongwith the prescribed fee. No fact shall be recorded in the register on a mere oral notice.

#### **6. Examination of Documents by the Registrar.**

- If any document required to be delivered to the Registrar for registration is found to be incomplete or defective in any of the particulars required by law, the Registrar shall return it for rectification and he shall not register or file it until all the requirements of the law have been complied with. When the Registrar is satisfied that the provisions prescribed in respect thereof have been duly complied with, he shall record an entry of the document in the register and shall then file the same.

#### **7. Filing of Documents.**

- A separate file shall be maintained in respect of each firm in which the documents received by the Registrar relating to the said firm shall from time to time be filed. No document shall be filed by the Registrar unless the proper fee prescribed therefor has been paid.

#### **8. Acknowledgment and Registration of Documents.**

(a) On every document filed under this Act the Registrar shall endorse the following particulars, namely:- (i) The number borne by the firm on the register, (ii) The name of the firm, (iii) The descriptions of the documents, (iv) The serial number of the documents, and (v) The date of filing. (b) On filing any documents alongwith the payment of the fee prescribed therefore, the Registrar shall furnish the firm concerned with a certificate in the following form under his signature and seal of his office. In the office of the Registrar of Firms, Rajasthan, Jaipur. In the matter of..... I hereby certify that the undermentioned documents have this day been duly filed and registered pursuant to the provisions of the Indian Partnership Act, 1932. Given under my hand and seal this ..... day of ..... 19..... Fee Rs. .... Seal Registrar.

#### **9. Form of Register.**

- The Registrar shall maintain a book entitled the "Register of Firm" (in these rules, referred to as the "Register") in which the following particulars shall be entered, a separate page being assigned to each firm:-

(a) The firm's name	Each entry to be made in a separate line at the top of the Register
(b) The place or principal place of business of the firm.	
(c) Date of Registration	To form the heading of columns.
(d) Act under which registered.	To form the heading of columns.
(e) Serial No. of documents filed.	
(f) Description of document	Notice of facts to be recorded shall be printed or typed-written.
(g) By whom filed when and to whom certificate granted	

### **10. Index to the Register.**

- The Registrar shall maintain an alphabetical index to the register showing the number, name and address of each firm.

### **11. Amendment of Register.**

- When an entry made in the Register is to be amended, the amendment shall be made drawing a red line through the entry and making a new entry at the end of existing entries. A reference in red ink to the serial number of the new entry shall be made against the amended entry.

### **12. Procedure on dispute.**

- If any person wishes to dispute any entry in the register such person shall give the Registrar, notice in writing, that he disputes the said entry and the Registrar shall make a remark to the effect at the end of the then existing entries and shall also make a remark in red ink in the remarks column against the entry so disputed.

### **13. Enquiries & investigation by the Registrar.**

- The Registrar may in his discretion institute such inquiries or make such investigation in respect of any matter as may in his opinion be necessary for the proper performance of his duties and the administration of the Act. In particular when a dispute arises amongst the several partners of a firm the Registrar may in his discretion call upon any of the partners or all of them to produce any original deed, documents or such other evidence as he thinks fit in order to ascertain the rights- of the respective parties.

### **14. Conditions of Inspection.**

- The register shall be open to inspection on written application. The file of the documents kept in the Registrar's office shall similarly be open to inspection by any person applying therefore provided

the applicant satisfies the Registrar that he has sufficient interest in the contents of the document of which he applies for inspection and that a mere inspection of the register will not serve his purpose. All inspections under this rule shall take place during business hours in the presence of the Registrar or some person appointed by him in that behalf.

## **15. [ Grant of Copies. [Substituted by Notification No. F. 19 (1) C & 1/54 dated 25-7-1935, published in Rajasthan Gazette, Part IV-C dated 6-8-1935.]**

(a) As provided by Section 66 of the Act, the Registrar, shall, on application, furnish to any person on payment of the prescribed fee a copy of any entry or portion thereof in the Register of Firm. (b) Copies of the documents kept in the Registrar's office shall on application and payment of the prescribed fee, be furnished by the Registrar, to any person who satisfies the Registrar that he has sufficient interest in the contents of the documents of which he applied for copies and that mere copies of any entry in the Register will not serve his purpose. (c) All copies under this Rule shall be applied for during business hours in writing. The copies issued shall be certified by the Registrar to be true and sealed with the seal of his office. (d) In this rule "Copies" includes extracts. (e) The fee for issuing a copy of any document in the custody of the Registrar shall be annas four for each hundred words or part thereof. Other fees shall be such as may be prescribed separately by the Government in rules issued under sub-section (1) of Section 71 of the Act.]

## **16. Fees Book.**

The Registrar shall keep a book called the "Fees Book" in which shall be entered day by day all fees realised under the Act and the rules thereunder. All fees so realised shall be paid into Government Treasury.

## **17. Elimination of Documents and Registers.**

(1) On the dissolution of a firm, an entry to that effect shall be made opposite the firm's name in the register by writing the word, 'dissolved' in red ink and noting the date of its dissolution: and at the expiration of five years from the date of the entry of dissolution in the register, the file and papers relating to such firm may be destroyed: Provided that its certificate of registration and the dissolution orders shall be retained permanently. (2) The following registers shall be retained permanently:-(a) Register of firms, (b) Alphabetical index prepared under Rule 12, (c) File register. Other registers may be destroyed after five years. Form A Application for Registration of Firm (See Section 58) We, the undersigned, being partners hereby apply for registration as a firm and for that purpose supply the following particulars pursuant to Section 58 of the Indian Partnership Act, 1932:-(a) Firm's name.....(b) Place or principal place of business of the firm.....(c) Names of any other places where the firm carries on business (d) Date on which each partner joined the firm.....(e) Names in full and permanent addresses of the partners.....(f) Duration of the firm..... Dated this..... day of 19... Witnesses to the signature of..... N.B.- This form must be signed by all partners or their agents specially authorised in this behalf in the presence of witnesses or a witness who must be a Gazetted Officer, a Magistrate, Notary Public or an Advocate of the High

Court. Form B Statement specifying alterations in the firm's name or in the location of the principal place of business of the firm. (See Section 60) We, the undersigned, being the partners of the firm of whose registered address is at..... hereby notify, pursuant to Section 60 (1) of the Indian Partnership Act, 1932, the changes specified below have occurred in this firm:-(a) Change in the firm's name New Name..... (b) Change in the location of the principal place of business of the firm:-New place of business..... Dated this..... day of..... 19..... Witnesses to the signature of..... N.B.-(1) Strike out item not required. (2) This form must be signed by all partners or their agents specially authorised in this behalf in the presence of a witness or witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an Advocate of the High Court.

Form C Notice of Change of Address (See Section 61) Firm's Name Registered address..... Notice is hereby given pursuant to Section 61 of the Indian Partnership Act, 1932, that the changes specified below have occurred in this firm:-(a) [The firm has discontinued business at] [Such place must not be principal place of business.] (b) The firm has begun to carry on business at..... Dated this..... day of..... 19..... Witness to the signature of..... N. B.-(1) Strike out item not required. (2) This form must be signed by any partner or agent of the firm in the presence of a witness or witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an advocate of the High Court.

Form D Notice of change in the name of Partner and his permanent address. (See Section 62) Firm's name..... Registered address..... Notice is hereby given pursuant to Section 62 of the Indian Partnership Act, 1932, that the changes specified below have occurred in this firm:-(a) Change in the name of any partner in a registered firm. (b) Change in the permanent address of any partner in a registered firm. Dated this..... day of..... 19..... Witnesses to the signature of..... N.B.-(1) Strike out item not required. (2) This form must be signed by any partner or agent of the firm in the presence of a witness or witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an advocate of the High Court.

Form E Notice of change of constitution. (See Section 63) Firm's name..... Registered address..... a partner in the above mentioned firm..... an agent of a partner in the above mentioned firm I being a person specially authorised by a partner in the above-mentioned firm to give notice in this behalf hereby give notice that-(a) [The constitution of the firm has been altered by] [Give full name and address of any new partner and date of his joining the Firm.] (b) The said firm has been dissolved. Dated this..... day of..... 19..... Witnesses to the signature of..... N.B.-(1) Strike out item not required. This form must be signed by any partner or agent of any person specially authorised in this behalf in the presence of a witness or witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an advocate of the High Court.

Form F Notice of Election by a person admitted as a Minor to the Benefits of Partnership in a firm to become or not to become a Partner (See Section 63 (2)) Firm's name..... Registered address..... Partnership in the firm..... in the firm having been Benefits of partnership..... hereby give notice that specially authorised in this behalf I have elected to become..... a partner in the above the said person has not become mentioned firm. Dated this..... day of..... 19..... Witness to the signature of..... N. B.-(1) Strike out item not required. (2) This form must be signed by any partner or agent of any person specially authorised in this behalf in the presence of a witness or witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an advocate of the High Court.