

RAJASTHAN PARTNERSHIP RULES, 1952

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.

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 notice prescribed by the Act, and

(e) "*Registrar*" means a Registrar of Firms appointed under Section 57 of the Act.

3. **Forms of Statement** :—The statement required to be sent or delivered to the Registrar under Section 58 shall be in Form A appended to these rules and be verified in the manner prescribed for verification of plaints in civil suits.

4. **Forms of intimations and notices** :—Statements, intimations and notices required under Section 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 along with the prescribed fee. No fact shall be recorded in the register on a mere oral notice.

6. **Examination of documents received by the Registrar** :—If any documents 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 documents 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 description of the documents;
 - (iv) the serial number of the documents; and
 - (v) the date of filing.
- (b) On filing any documents along with the payment of the fee prescribed therefor Registrar shall furnish the firms 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.....Fees Rs.

9. Form of register :—The Registrar shall maintain a book entitled the "Register of Firms" (in these referred to as the "Register") in which the following particulars shall be entered, a separate page being assigned to each firm :

- | | |
|---|--|
| (a) The firm name | Such entry to be made in separate line at the top of the Register. |
| (b) The place or principal place of business of the firm. | |
| (c) Date of Registration | |
| (d) Act under which regis- | To form the heading of tered columns. |
| (e) Serial No. of document filed. | |
| (f) Description of document | |
| (g) By whom filed when and to whom certificate granted. | To form the heading of columns. |

Notice of fact to be recorded shall be printed or type-written.

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 in the register is to be amended, the amendment shall be made drawing a red line through entry and making a new entry at the end of the 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 columns against the entry so disputed.

13. Inquires and investigations by the Registrar :—The Registrar may in his discretion institute such inquires 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, document 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 therefor: 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 :—(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 Firms.

- (b) Copies of the document 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 applies 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 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 four annas (now twenty-five paise) 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 the Government Treasury.

17. Elimination of documents and registers :—(1) On the dissolution of a firm, an entry to the 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 order 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 order shall be retained permanently.

(2) The following register 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

[See Rule 58]

Application for registration of Firms

We, the undersigned, being partner 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 of principal place of business of the firm.
- (c) Names of any other places where the firm carries on business.
- (d) Date of 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.....

Witness 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 a witnesses who must be a Gazetted Officer, a Magistrate, Notary Public or an Advocate of the High Court.

FORM -- B*[See Rule 60]***Statement specifying alterations in the firm's name or in the location of the principal place of business of the firm**

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, that 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.....

Witness to the signature of

N.B.:— (1) Strike out items not required.

(2) This Form must be signed by all partners or their agents specially authorised in this behalf in the presence of a witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an Advocate of the High Court.

FORM -- C*[See Rule 61]***Notice of change of address****Fee—Re. 1**

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

(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 items not required.

(2) This Form must be signed by all partners or their agents specially authorised in this behalf in the presence of a witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an Advocate of the High Court.

FORM -- D

[See Rule 62]

Notice of change in the name of partner and his permanent address*Fee—Re. 1*

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) Change in the name of any partner in a registered firm

(b) Change in the permanent address of any partner in registered firm

Dated this.....day of.....19.....

Witness to the signature of

N.B.:— (1) Strike out items not required.

(2) This Form must be signed by all partners or their agents specially authorised in this behalf in the presence of a witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an Advocate of the High Court.

FORM -- E

[See Section 63]

Notice of change of constitution*Fee—Re. 1*

Firm's name

Registered address

A partner in the above-mentioned firm

An agent of or 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*

(b) the said firm has been dissolved,

Dated this.....day of.....19.....

Witness to the signature of

N.B.:— (1) Strike out items not required.

(2) This Form must be signed by all partners or their agents specially authorised in this behalf in the presence of a witnesses who must be a Gazetted Officer, a Magistrate, a Notary Public or an Advocate of the High Court.

*. Give full name and address of any new partner and date of his joining the firm.

FORM -- F

[See Rule 63 (2)]

**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***Fee—Re. 1*

Firm's Name

Registered address

Partners in the firmbenefits of partnership

in the firm having been

specialy authorised in this behalf hereby give notice that I have elected
to become/not to become a partner in the above-mentioned firm.

Dated this day.....of.....19.....

Witness to the signature of

N.B.:— (1) Strike out items not required.

(2) This Form must be signed by all partners or their agents specially
authorised in this behalf in the presence of a witnesses who must
be a Gazetted Officer, a Magistrate, a Notary Public or an Advocate
of the High Court.