

Preface

The revising author considers it a distinct privilege to place before the legal fraternity, the latest edition of this legal classic on the law of Partnership in India, originally authored by the late Mr. Justice S.T. Desai, Judge of the High Court of Judicature at Bombay, then the first Chief Justice of the High Court of Gujarat, on the bifurcation of the greater bilingual state of Bombay, and later, an eminent Senior Advocate of the Supreme Court, a jurist and an author of repute.

A preliminary divagation, is however, called for. This edition has come after a long hiatus of about 17 years. A word of apology is due to the reader, with the explanation that the delay was caused due to circumstances beyond control of the revising author.

The law of partnership, as exists in India, is based essentially on the English law on the subject. As can be seen from the commentary, many decisions of English Courts find a place therein. Some of the decisions, which appear here, both of Indian Courts as well as the Courts of England, may seem today, to be of considerable vintage. These decisions, however, speak volumes about the origins and the development of the law over the decades, as the reader will find from a perusal of the commentary. This is evident with reference to decisions rendered even today, where the earlier decisions are not only referred to but are also relied upon in arriving at a verdict.

In this edition an endeavour has been made to generally revise the book in detail by incorporation of the latest case law. Decisions have been incorporated with commentaries, where necessary. English cases have also been referred to. State amendments have been discussed through analysis of cases decided post such amendments. References to the latest editions of foreign books on the subject have also been brought up to date. A few changes in the commentary to the sections dealing with registration of firms have been necessitated, in view of the current decisions of the Supreme Court, which recommend legislative activism in bringing about changes in the section, in order to obviate difficulties faced during litigation, when such issues come to the fore. A new section has been appended at the end of the book which deals with standard formats of deeds in relation to partnership firms like formation of a partnership, dissolution and retirement of partners.

In revising the book, care has been taken, as far as practicable, to preserve the original text, while making essential changes, since the treatise has, over the years, been acclaimed as a distinctive and authoritative work in its field of operation in India.

I have ventured, albeit with reluctance, to give a short preface to the present edition, since a preface is, by long establish convention, decreed to be a necessary part of a new edition. I would otherwise deem it too presumptuous, to pen a preface to a treatise, which requires no heralding or introductory comment, by virtue of the long standing popularity and respect that it has attained over a passage of more than half a century since its inception.

This endeavour is dedicated to the memory of my Grandfather, the Late Hon'ble Mr. Justice S.T.Desai.

Case law has been brought up to date as on December 2008