

## Whether registration of firm is necessary to file a suit by a partner for the dissolution of partnership in Maharashtra?

- Initially, as per section 69 of the Partnership Act, a partner of an unregistered partnership firm had a right to sue for the dissolution of a firm.
- The Maharashtra Amendment of 1984 barred a suit to enforce any right for the dissolution for the firm by a partner of an unregistered firm.
- It was held that a partnership firm is not a distinct legal entity and the partners are the co-owners of the property of the firm. The amendment deprives a partner in an unregistered firm from recovery of his share in the property of the firm. The Amendment violates right to equality, right to carry a business and right to property. As such, the Maharashtra Amendment is struck down and at present a partner of an unregistered firm can file a suit for dissolution of the firm.



### CASE TITLE

**V. Subramaniam  
v/s.  
Rajesh  
Raghuvandra  
Rao  
(2009) 5 SCC 608**