West Bengal Judicial Service (Mains) 2020

Partnership Act · optional paper

Time: 3 hours · Full marks: 100

Group A: answer all questions

1. Critically discuss the modes of dissolution of a Partnership firm. (20)

2. (a) What is the status of minors in partnership?
(b) What do you know about incoming partners and outgoing partners?
(c) Distinguish between Partnership and a Joint Hindu Family. (7+4+4=15)

3. (a) What are the modes of determining existence of partnership? Give your answer with reference to statutory provisions.
(b) How can a partner transfer his interest? (10+5=15)

Group B: answer Question No. 4 and any two from the rest

4. (a) Define Partnership. What do you understand by implied authority of a partner? Are there any limitation on implied authority?
(b) P, a partner of a firm of confectioners, purchases a horse on credit in the firm's name. Discuss the liability of the firm.
(c) Y, a partner of a firm borrows money in his personal name. Discuss the liability of the firm. (3+5+7+2½+2½=20)

5. (a) Define Partnership by holding out. How the liability of a partner arises in partnership by holding out?
(b) X induces Y to believe that X is a partner of a firm AB and Y, believing that X is a partner gives credit to AB. Discuss the liability of 'X'.
(c) Two brothers A and B carry on a business in the family name. Another brother C, having the same name attends the place of business and behaves with outsiders as if he was a partner. Discuss the liability of 'C'. (7+4+4=15)

6. (a) Discuss the liability of the partners to outsiders.
(b) X, a member of a firm of solicitors, obtained loan for M from some other clients of the firm. X said to M that the mortgagee required collateral security for the loan and M deposited certain share warrant payable to bearer. The security was actually not necessary. The other partners of the firm and the mortgagee had no knowledge of this deposit. X then misappropriated the share and absconded. Decide the case. (10+5=15)

7. (a) When and how should a public notice be given under the provision of the Indian Partnership Act?
(b) Briefly state the consequences if public notice is not so given in cases where it is required to be given. (7½+7½=15)