

Quadrant II - Notes

Paper Code: CON0313

Module Name: Partnership at will, Rights & Duties of partners

Module No: 14

Kinds of partnerships

Kind of partnership depends on the Contract

Partnership at will – Moss v. Elphick

Rights of Partners

Right to take part in the conduct of the business

Right to express opinion

Right to have access to the books of the firm

Right to share profits

Right to interest on capital and advances

Right to indemnity

Duties of Partners

To carry on business to the greatest common advantage Bentley v. Craven

- To be just and faithful to each other
- To render true accounts
- To render full information of all things affecting the firm
- To indemnify for fraud
- To be diligent Cragg v. Ford

To use the firm's property properly

Property of the firm includes -

Property acquired with firm money

Property brought in as capital

Good will

Property belonging to partner, used by firm but not brought in as capital

Property purchased with firm money, but in a partner's name

Not to earn personal profits or to compete

Accountable to the firm for any personal profit made by him:

1. From any transaction of the firm
2. From the use of the property or business connection of the firm
3. From use of the firm name