

## POSITION OF A MINOR UNDER THE LAW OF PARTNERSHIP

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### ABSTRACT

"A person who is minor according to the law to which he is subject may not be a partner in firm, but, with the consent of all the partners for the time being, he may be admitted to the benefits of partnership". "Such minor has a right to such share of the property and of the profits of the firm as may be agreed upon, and he may have access to and inspect and copy and of the accounts of the firm". "Such minor's share is liable for any such Act".

### INTRODUCTION

"By virtue of section 11 of the Contract Act a minor is incapable of entering into a contract and if he does enter into a contract that contract is altogether null and void<sup>1</sup>. Since partnership is a relation resulting from an agreement or contract, a person can become a partner only by an act of consent on his part and other partners and a minor being incapable to give such a consent cannot become a partner<sup>2</sup>. The present section gives effect to what would be the law even otherwise, i.e, without the present section. Nor can a minor's guardian enter into partnership on behalf of the minor so as to make the latter a partner in the firm and make him personally liable for the acts of the firm."<sup>3</sup>

1. Mohri Bibi V. Dhurmodas Ghose, 30c. 539, L.R. 30 I.A. 114, 7 C.W.N. 44, 5 Bom. L.R. 421 (P.C) 4 See S.4.
2. Sanyasi Charan Mandal v. Krishnadhan Banerji, 49 C. 560 671. C. 124, 49 I.A. 108.