

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12882 OF 2025

Akshay Sanjay Dhumal)
Age : 40 years, Occupation : Business,)
Having address at Shubhashree, 73,)
Rambaug Colony, Paud Road,)
Near Chaitanya Health Care, Kothrud,)
Pune, Maharashtra - 411 108) ... Petitioner

V/s.

The Registrar of Firms/)
Assistant Registrar of Pune)
Having address at -)
S. No. 47/30, Saraswati Parvati Bhavan,)
2nd Floor, Behind Lokesh Hotel,)
Pune-Satara Road, Pune)
Maharashtra – 411 009.) ... Respondents

Mr. Aniesh S. Jadhav a/w. Ms. Amisha Lolusare a/w.
Mr. Rushikesh Kekane, Advocate for the Petitioner

Ms. Neha S. Bhide, Government Pleader a/w. Mrs. M.S. Bane,
AGP, for the Respondent – State

Mr. Vilas Gaikwad, Legal Advisor-cum-Joint Secretary

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 19TH DECEMBER, 2025.

P.C. :-

1. Vide order dated 9th October 2025 the aforesaid Petition was disposed and kept for recording compliance of certain directions from time to time. On 5th December 2025, this Court granted time to the learned AGP to file compliance affidavit. Accordingly the learned AGP has filed the compliance affidavit. Data of pendency of applications before the Registrar of Partnership Firms, Pune for registration of firms was sought.

2. The aforesaid issue arose whilst deciding the aforesaid Petition, in which the Petitioner had sought a direction to the Registrar of Partnership Firms, Pune to permit amendment in the constitution of the Partnership Firm. We noticed that several petitions are required to be filed in this Court, seeking a direction to the Sub-Registrar of Partnership Firms, either to register the partnership firm or to give effect to the change in the composition of the partnership firm expeditiously, within a stipulated time. It is pertinent to note that, although the Indian Partnership Act,

1932 does not make registration of firms compulsory, yet there are several ill effects of non-registration of partnership firm.

3. In this context, it would be apposite to refer to Section 69 of the Partnership Act, 1932, which reads as under :-

69. Effect of non-registration- (1) No suit to enforce a right arising from a contract or conferred by this Act shall be instituted in any court by or on behalf of any person suing as a partner in a firm against the firm or any person alleged to be or to have been a partner in the firm unless the firm is registered and the person suing is or has been shown in the register of firms as a partner in the firm.

(2) No suit to enforce a right arising from a contract shall be instituted in any court by or on behalf of a firm against any third party unless the firm is registered and the persons suing are or have been shown in the register of firms as partners in the firm.

(3) *The provisions of sub-sections (1) and (2) shall apply also to a claim of set-off or other proceeding to enforce a right arising from a contract, but shall not affect—*

(a) *the enforcement of any right to sue for the dissolution of a firm or for accounts of a dissolved firm, or any right or power to realise the property of a dissolved firm, or*

(b) *the powers of an official assignee, receiver or court under the Presidency-towns Insolvency Act, 1909 (3 of 1909) or the Provincial Insolvency Act, 1920 (5 of 1920) to realise the property of an insolvent partner.*

(4) *This section shall not apply —*

(a) *to firms or to partners in firms which have no place of business in [the territories to which this Act extends], or whose places of business in [the said territories], are situated in areas to which, by notification under [section 56], this Chapter does not apply, or*

(b) to any or claim of set-off not exceeding one hundred rupees in value which, in the Presidency-towns, is not of a kind specified in section 19 of the Presidency Small Cause Courts Act, 1882 (5 of 1882), or, outside the Presidency-towns, is not of a kind specified in Schedule II to the Provincial Small Cause Courts Act, 1887 (9 of 1887), or to any proceeding in execution or other proceeding incidental to or arising from any such suit or claim.

4. Since many a times, the partnership firms are not registered or the change in the constitution/composition of the partnership firm is not effected in the Register, by the Registrar of Partnership Firms, the suit filed by a partner of an unregistered firm or by a third party against the partners of an unregistered firm, are dismissed on account of the bar under Section 69 of the Indian Partnership Act, 1932. This causes tremendous hardships to the litigants. It is pertinent to note that many a times, the application for registration of the Partnership Firms or the change in the partners is made by the partners to the Registrar of

Partnership Firms as contemplated under Section 58 of the Indian Partnership Act, however, the Registrar of Partnership Firms takes an undue long time for deciding the said application, as a result of which, whenever there is a litigation between the partners of a Partnership Firm or by the Firm against the third person, unless the firm is registered and persons suing are shown as partners in the Register of Firms, the said suit is dismissed, for want of registration of the firm and also as the partners are not shown as partners in the register of firms.

5. In light of the aforesaid difficulties faced by the litigants, we had called upon the learned Government Pleader to explain why such a long time is taken in complying with the requirements of Section 58 of the Indian Partnership Act. Section-58 of the Act reads as under :-

58. Application for registration- (1) The registration of a firm may be effected at any time by sending by post or delivering to the Registrar of the area in which any place of business of the firm is situated

or proposed to be situated, a statement in the prescribed form and accompanied by the prescribed fee, stating—

- (a) the firm name,*
- (b) the place or principal place of business of the firm,*
- (c) the names of any other places where the firm carries on business,*
- (d) the date when each partner joined the firm,*
- (e) the names in full and permanent addresses of the partners, and*
- (f) the duration of the firm.*

The statement shall be signed by all the partners, or by their agents specially authorised in this behalf.

- (2) Each person signing the statement shall also verify it in the manner prescribed.*
- (3) A firm name shall not contain any of the following words, namely—*

"Crown", "Emperor", "Empress", "Empire", "Imperial", "King", "Queen", "Royal", or words expressing or implying the sanction, approval or patronage of [Government], except [when the State Government] signifies [its] consent to

the use of such words as part of the firm name by order in writing.

- 2) *Each person signing the statement shall be also verify it in the manner prescribed.*
- 3) *A firm name shall not contain any of the following words - namely - "Crown", "Emperor", "Empress", "Empire", "Imperial", "King", "Queen", "Rajal", or words expressing or implying the sanction, approval or patronage of Government, except when the State Government signifies its consent to the use of such words as part of the firm name by order in writing.*

6. Today an affidavit is filed before us in compliance of the direction issued by us, in our order dated 9th October 2025.

7. In the said affidavit, the following data was submitted by the respondent No.1 regarding New Registration of Partnership Firm Applications at Pune :-

Years	2019	2020	2021	2022	2023	2024	2025 (Upto Oct. 2025)
Applications pending at the beginning of the year	37046	43580	48843	53369	58369	62060	56305
Applications received during the year	8640	6567	8271	8186	8179	7559	6089
Applications disposed during the year	2106	1304	3745	3186	4488	13314	15905
Applications pending at the end of the year	43580	48843	53369	58369	62060	56305	46489

8. The following data regarding change in constitution applications (online submissions) was submitted by the respondent No. 1 :-

Years	2019	2020	2021	2022	2023	2024	2025 (Upto Oct. 2025)
Applications pending at the beginning of the year	4429	5822	6904	8142	9499	10914	12222

Applications received during the year	1704	1305	1788	1999	1934	1931	1617
Applications disposed during the year	311	223	550	642	519	623	2237
Applications pending at the end of the year	5822	6904	8142	9499	10914	12222	11602

9. The following data regarding change in the constitution applications (offline submissions) was submitted by the respondent No.1 :-

Years	2017	2018	2019	2020	2021	2022	2023	2024	2025 (Upto Oct. 2025)
Applications pending at the beginning of the year	12736	15014	12818	13421	13281	12697	11920	11042	10555
Applications received during the year	2909	1624	1257	969	1438	1319	1238	1399	1080
Applications disposed during the year	631	3820	654	1109	2022	2096	2116	1886	2833
Applications pending at the end of the year	15014	12818	13421	13281	12697	11920	11042	10555	8802

10. On perusal of the aforesaid data, we are shocked to note that as on October 2025 nearly 46,489 applications for registration of new Partnership Firms are pending before the respondent No.1. So also about 11,602 applications are pending, upto October 2025 for change in Constitution of firms (online applications). Further about 8,802 applications are pending for change in Constitution of the Firms (offline applications). The data is very shocking. It is quite disturbing to note that more than **66,893 (46,489 + 11602 + 8802)** applications are pending before the respondent No.1, as stated in the aforesaid table furnished by them.

11. An unreasonably long time is being taken for registering of new firms or for effecting change in constitution of firms. The respondent No.1 appears to be totally oblivious of the hardships faced by the people approaching them. There is no cogent reason assigned as to why such huge delay is caused in deciding the applications.

12. Today, the learned Government Pleader (Legal Advisor cum Joint Secretary) on instructions of Mr. Gaikwad, Legal Advisor-cum-Joint Secretary present in Court informs us, that the process of recruiting 3 Sub-Registrars out of 2 Sub-Registrars by the MPSC is in process and that they will be appointed in the office of the Registrar of Firms at Pune and 1 Sub-Registrar will be appointed in the office at Mumbai.

13. The problem of huge pendency of applications before the respondent No.1 is startling.

14. On perusal of the provision of Indian Partnership Act, 1932, it is clear that registration of Partnership Firms and effecting change in the constitution of firms are very vital aspect.

15. We feel that respondent No.1 should take concrete steps to clear up the huge pendency. We, therefore, direct the respondent No.1 to take urgent steps to clear huge pendency, which is evident from the data mentioned in the foregoing

paragraphs. We direct the State of Maharashtra to direct the Registrar of Partnership Firms to clear applications pending before Registrar of Partnership Firms throughout Maharashtra, within 6 months from the date of uploading of this Order. Learned Government Pleader to forthwith communicate the Order to the Secretary, Law and Judiciary, State of Maharashtra to enable them to take appropriate steps.

16. With the aforesaid directions, we keep this matter on **19th June 2026** for recording further compliance of this Order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)

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