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قانون مدنی ایران بانگلیسی(۱۳)

(13) Iranian Civil Code

SUBSECTION 2

ON THE DIVISION OF THE PROPERTY

OF THE PARTNERSHIP

Article 589.

Each one of the partners can, whenever he wishes, demand the division of the jointly-owned property, unless a division, in accordance with this law, is forbidden, or the partners have bound themselves, in an irrevocable manner, not to divide the property.

Article 590.

If the partners are more than two in number, it is possible that a division may be made in respect of the shares of one or more of the partners, and the shares of the rest may be left undivided.

Article 591.

If the partners consent to a division of the property, the division will take place according to the agreement of the partners, and if the partners cannot come to an agreement the judge will compel them to divide the property, provided that the division will not result in any loss; if it does result too loss compulsion is not permissible and the division must take place according to mutual agreement.

Article 592.

If the division is to the disadvatage of some of the partners, and not to the disadvantage of others, if the demand for a division comes from a partner who suffers a disadvantage, the other party will be compelled to agree; if the contrary, i.e. if the demand comes from one who has not suffered loss, the other party is not compelled to accept a division.

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Article 593.

A loss is considered to be an impediment to division when it represents an evident depreciation, to such a degree that, in accordance with common practice, it is not negligible.

Article 594.

If a jointly-owned qanát, or a similar thing, becomes defective and needs to be cleaned or repaired, and one or more of the partners, to the loss of one or more other partners refuses to take part in the cleaning or repairs, the partner or partners who suffer loss may refer to the judge: in that case, if teh property is not divisible, the judge may, in order to extirpate the source of dispute and to prevent loss, compel the partner who refuses, according to the situation, to participate in the cleaning or the repairs, or to hire or sell his share.

Article 595.

If a division will involve the disappearance, as a property, of the whole or a part of the joint property or of the shares of one or more of the partners, a division is forbidden, even if the partners agree thereto.

Article 596.

If the jointly-owned property consists of several units, a compulsory division of some of those units does not necessarily involve the division of the rest of the property.

Article 597.

The separation of a private property from an endowed property is permissible, but the division of an endowed property among the beneficiaries is not permissible.

Article 598.

The arrangements for division are as follows: If the joint property is such that it must be divided itself, it will be divided up in proportion to the shares of the partners; and if it be such that it can be valued, it will be apportioned according to its price; and after the division or the valuation, if the parties cannot come to an agreement as to their particular shares, the matter will be decided by lot.

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Article 599.

The division, after it has taken place in proper form, is obligatory, and none of the partners can dissociate himself from it without the consent of the others.

Article 600.

If, in the portion of one or more of the partners, a defect may appear of which he or they did not know at the time of the division, the partner or partners concerned have the right to set aside the division.

Article 601.

If, after the division, it becomes apparent that the division has taken place under a mistake, the division is void.

Article 602.

If, after the division, it becomes apparent that a definite quantity of the property divided belonged to some one else, the division is valid if, after the division, the property belonging to another exists in each of the divided shares in the same proportion; otherwise it is void.

Article 603.

A path or a watercoures belonging to any portion belongs, after the division, to that same portion.

Article 604.

A person who has rights over the property of another cannot prevent a division of that property: but his rights will remain the same after the division as they were before.

Article 605.

If the portion of one of the partners is a waterchannel or a path over the portion of another partner, the right of passage of water or the use of the path shall not disappear after the division, unless such a disappearance shall have been agreed upon; and other rights over the property of another follow the same rule.

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Article 606.

If the estate of a deceased person be divided up before the payment of his debts, or if after the division it becomes apparent that the deceased was liable for a debt, the creditor must refer to each of the heirs in proportion to his portion; and if one or more of the heirs are unable to pay, the creditor may refer to the other heirs for the settlement of the portions of the destitute heir or heirs.

CHAPTER 3

SECTION 9. ON DEPOSIT

SUBSECTION 1

ON GENERAL PRINCIPLES

Article 607.

By Depoist is meant a contract whereby one person entrusts a thing belonging to him to another in order that the latter should retain it for him free of charge. The perosn who deposits is called the "mudi'" (depositor) and the person who receives the deposit is called the "mustandi'" or the "amin" (trustee).

Article 608.

In a Deposit the acceptance of the Trustee is necessary, though it may be Shown by an act.

Article 609.

A perosn may depost a thing who is the owner or the representative of the owner; or who is, on behalf of the owner, explicitly or implicitly authorised by the owner.

Article 610.

In a Deposit the two parties must have capacity for a transaction, and if a person accepts a thing on deposit from another person who has no capacity for a transaction, he must return the thing to the legal guardian of that person, and if the thing depreciates or disappears in his possession he is a guarantor.

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Article 611.

A Deposit is revocable contract

SUBSECTION 2

ON THE ENGAGEMENTS OF THE TRUSTEE

Article 612.

The trustee must preserve the deposited thing in the way that the depositor laid down; and if there was no specific stipulation for the manner in which the thing is to be preserved, he must keep it in the way which is usual for that thing: otherwise he is a guarantor.

Article 613.

If the owner has laid down a way for the preserration of the thing deposited, and the trustee considers it necessary that way should be changed in order to preserve the thign he may chang it, unless the owner has specifically forbidden any change; in that case he is a guarantor,

Article 614.

A trustee is not a guarantor in respect of the destruction or the depreciation of the thing deposited with him, unless in case of waste or excessive use.

Article 615.

A trustee in his position as a protector is not responsible in respect of events the prevention of which is beyond his power..

Article 616.

If the return of the thing deposited be requested, and the trustee refuses to return it, the rules as to trustees will cease to apply to him from the date of his refusal, and he will become a guarantor in respect of any defect or depreciation which supervenes in the thing deposited, even though that defect or depreciation does not arise from any act of his.

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Article 617.

The trustee cannot exercise any possessory rights over the thing deposited except such as arise in protecting it; nor can he in any way make a profit from it, except with the express or implied leave of the depositor; otherwise he is a guarantor.

Article 618.

If the thing deposited is entruted to the trustee in a closed box or a sealed letter, he has no right to open it; otherwise he is a guarantor.

Article 619.

The trustee must hand back exactly the same thing as he received.

Article 620.

The trustee must give back the thing depoitsed in the same states as the thing was at the time of giving it back; and he is not a guarantor in respect of the defects which may have accrued therein

Article 621.

If the thing deposited is taken by force from the trustee and if he has received a payment or something else in its place, he must give to the depositor that which he received in exchange; but the depositor is not obliged to accept it and he has the right to the person who took the thing away by force.

Article 622.

If the heir of the trustee destroys the thing deposited he is responsible for supplying the equivalent or the price of the same, even if he did not know that the thing was a deposit.

Article 623.

The profits resulting from a thing deposited belong to the owner.

Article 624.

The trustee must return the thing deposited only to the

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person from whom he received it, or to his legal representative, or to a person who has authority to receive it; and if he wishes, from force of circumstance, to give it back but has no means of approach to a person entitled to receive it, he must give it back to a judge.

Article 625.

If it is proved that the thing deposited belongs to another person other than the depositor, the trustee must return it to the true owner, and if the owner is unknown, the rules relating to things of unknown ownership will apply.

Article 626.

If a person deposits a thing, the deposit will become void at the death of the depositor, and the trustee cannot return it to anyone except to the heirs.

Article 627.

If there be more than one heir, and if they do not agree among themselves about the thing, the thing deposited must be returned to the judge.

Article 628.

If a change takes place in the situation of the depositor, such as for instance if he becomes a ward, the contract of deposit is cancelled, and the thing deposited cannot be returned except to the person who has the right to administer the effects of the ward.

Article 629.

If a thing belonging to a person who has become a ward is deposited that thing must be given back to him when he is no longer a ward.

Article 630.

If a person makes a depoist of a thing in his capacity as guardian or tuteur, that thing after he ceases to possess that capacity, must be returned to its owner, unless the owner continues to be a ward; in that case the thing is returned to the subsequent guardian or tuteur.

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Article 631.

If a person is in possession of a thing in a capacity other than that of a trustee, and the provisions of this law render his position, in respect of that thing, equivalent to that of a trustee, he is the same as a trustee; therefore, a tenant, in relation to the thing hired, or a guardian or tuteur in relation to the minor's property or to their ward, and the like, are not guarantors, unless in cases of waste or excessive use; and if the owner is entitled to have the thing returned to him, th possessor, from the moment of the owner's application and the possessor's refusal to return although he could have done so, will be responsible in case of destruction of the thing or of any kind of damage or defect, even though it be not the consequence of his own act.

Article 632.

Caravansarai proprietors, hotel keepers, bath keepers and similar persons are responsible in respect of the effects and goods and clothes of persons who enter those places only if those effects and goods and clothes are deposited with them, or if in accordance with local custom those effects are in the position of being on deposit.