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Email: fasgharia@yahoo.com

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The Situation of Harvest after Expiration of the period of Agricultural Partnership Contract (Mozaraeh)

Fakhroddin Asghari Aqmashadi,^{1*} Ali Mohammadzadeh²

¹Assistant Professor of Mazandaran University

²M.A. of Mazandaran University

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Abstract

One of the validity conditions of Agricultural Partnership Contract is the specification of its time. When the specified time is sufficient for the harvest being ripe but the harvest is not ripe owing to natural factors, like the changes of weather or by delaying in cultivating, there are three views in the Islamic jurisprudence: 1- removal of the harvest without paying a reasonable compensation 2- removal of the harvest by paying a reasonable compensation 3- removal of the harvest without paying a reasonable compensation when the harvest is not ripe because of the fault of agent and let the harvest to be after receiving a reasonable compensation. In Iranian law, the Art. 540 of civil code provides: "If the period of the Mozaraea comes to an end and it happened that the harvest is not ripe, the owner has the right to destroy the harvest, or to let it be, after receiving a reasonable compensation. "But by referring to Art. 40 of constitutional law, Arts. 17 and 504 of civil code and Art. 48 of enforcement of civil rules code, it is necessary to confine the rule included in Art. 540 to cases the no ripen of the harvest are due of the fault of agent.

Keywords Removal, Agricultural Partnership, Cultivation, Reasonable compensation.

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* Responsible author: Tel: 011252-44608 - Fax: 011252-44609

Email: fasgharia@yahoo.com

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