

PROCEDURAL LAWS AND LIMITATION ACT

The Nature of Rights in Personam and Rights in Rem

- ▶ Right in rem means right against whole world and right in personam is right against particular person.
- ▶ If you are having title deed of some property it's your right against whole world.
- ▶ And if you have any right or judgement against some person it is called right in personam.

Right in Rem

- ▶ A right in rem is available against the world at large; it is a right available against persons generally.
- ▶ Examples are rights of possession and ownership.

Right in Personam

- ▶ A right in rem is available only against a determinate person or persons, corresponds to a duty imposed on determinate individuals
- ▶ Examples are the right to receive :-
- ▶ compensation for false imprisonment or defamation; or the right to recover a debt from the person who owes me the money.
- ▶ Rights under a contract are rights in personam for only the parties thereto are bound.

- ▶ Thus, my right to the peaceably occupation of my farm is right in rem, while my right to receive rent from tenant is right in personam.
- ▶ My right to liberty and reputation is right in rem, while my right to receive compensation for false imprisonment or defamation is right in personam.

- ▶ The distinction between the two lies in the number of persons subject to the duty respecting my right a right in rem avails against the whole world while that in personam binds only a particular person or persons.

Rights in Rem are Negative:

- ▶ Rights in rem are almost always negative.
- ▶ It is a right to be left alone. It is a right that people should not interfere with my ownership.
- ▶ Rights in personam are usually positive. It is acquired because the subject stands in some special relationship towards another person as in the case of a contract.
- ▶ Rights in personam may also be negative as in the case of sale of goodwill when the seller undertakes not to set up a rival business within the prescribed area and period of time

- ▶ It is for this reason that rights in rem are known as real rights while rights in personam as personal rights.
- ▶ the right of A after signing the contract for the purchase of land is a right in personam against B that B shall execute a deed of sale in his favour and transfer the property.
- ▶ After the execution of the sale deed the right of A is a right in rem available against the whole world that nobody shall interfere with his ownership.
- ▶ (ii) Is right is right in personam being available .against the common carrier only and if by the negligent or willful act of the carrier the goods are destroyed C has his remedy to recover damages against the carrier alone.

▶ Rights in Rem

- ▶ 1. A right in rem is available against the world at large. (Rem = world).
- ▶ 2. Example: I have a house. The people of the world have a duty not to interfere with my possession. Nobody has right to disturb my possession and enjoyment.
- ▶ 3. I have money in my pocket. I can use my money as like. The world at large has no right to interfere with my possession.

- ▶ 4. It is called “real right”. Converse this right; there is a duty upon every person of the world not to interfere with other’s rights.
- ▶ 5. This right protects interest against the world at large.
- ▶ 6. Patent right, copy right, etc. are the best examples for the rights in rem.
- ▶ 7. All rights in rem are negative.

- ▶ 8. It is available against an open or indefinite class of persons.
- ▶ 9. The freedoms given in article 19 of the Indian constitution with its restrictions are the
- ▶ rights in rem.
- ▶ 10. All “general offers” are “rights In rem

Rights in Personam

- ▶ A right in personam is available only against a particular person
- ▶ Example: I let my house to Z-tenant. I have a right to receive rent from my tenant. This right to receive rent from my tenant. This right to receive rent is a right in personam. The rest of the world is not concerned with this right.

- ▶ 3. y-debtor has to give me Rs. 5,000/-, who had taken from me as a hand-loan. I have the right in personam to receive back the sum of Rs. 5,000/- from X.
- ▶ 4. It is also called as “personal right”. Converse this right, there is a duty imposed upon determinate individuals.
- ▶ 5. This right protects an interest solely against determinate individuals.

- ▶ 6. Purchase of good-will of business is the best example for the right in personam.
- ▶ 7. All rights in personam are positive.
- ▶ 8. It is available only against a specific person or persons.
- ▶ 9. All easements are the rights in personam.
- ▶ 10. All “specific offers” are “rights in personam

THANK YOU

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the frame, creating a modern, dynamic feel. The rest of the background is plain white.