

Rights in Rem---Rights in Personam

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 constitution with its restrictions are the rights in rem.
10. All “general offers” are “rights in rem”.

Rights in Personam

1. A right in personam is available only against a particular person.
2. 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”.

Remedies: Legal and Equitable

A remedy in the law involves the resolution of a lawsuit or an issue in a lawsuit, and provides redress to aggrieved parties or protects the integrity or efficiency of judicial proceedings. There are different types of remedies and many rules about when and how

those remedies may be awarded, and like other rules, they reflect values in the society. A remedy may be classified as legal, equitable, or declaratory, or as pretrial, trial, or appellate. If a remedy is declaratory, the plaintiff obtains a court ruling about his or her status, but does not recover tangible relief. Legal and equitable remedies are defined by contrasting them. One difference between the two is in their form. A legal remedy is a court judgment that a plaintiff (or another party, even the defendant) is entitled to something. Lawyers refer to legal actions as either *in rem*, relating to interests in property, or *in personam*, creating an obligation for a particular person.

Legal remedies usually involve an award of money damages to substitute for what the plaintiff lost. This may be for personal injury, which can include compensation for past and present medical expenses, lost earnings, and pain and suffering, all with adjustments for inflation and interest. Any award projecting future losses will be reduced to its present value in current monetary terms. A legal award will compensate for future losses because judgments are final awards. Thus, it is only fair to take into account damages both from the past and those that are likely to occur in the future. Damages that are speculative, however, will not be awarded. Money damages are also awarded to substitute for damaged property, or to compensate for harm to one's reputation, or because someone did not perform contractual duties. A return of personal property (replevin) or land (ejectment) that the plaintiff owns is also a legal remedy.

Equitable remedies are court orders to a person or institution to do or not do something. As mentioned, these equitable actions are *in personam*. Equitable orders can cover myriad situations, such as court orders to officials to desegregate schools, to corporate actors to stop mergers or acquisitions, to development companies to stop construction pending an environmental review, to an employer to reinstate someone wrongfully fired, or to a contract breacher to keep his or her promise. All but the last of these court orders are referred to as injunctions. Where enforcement of a contract is ordered, the equitable remedy is called specific enforcement. Sometimes the court's equitable order can involve the payment of money, such as orders to pay child support. Because the order is equitable, if circumstances change, one or the other of the parties can return to the judge and ask for a change in the order. A legal judgment, however, is final once the time for appeal has run out.