# KINDS OF POSSESSION:

Following are the different kinds of possession.

# IMMEDIATE AND MEDIATE:

(1) Immediate possession: Immediate possession is also called direct possession. If the relation between the possessor and the thing possessed is a direct one it is a case of immediate possession.

# Example:

If 'A' go to the bazaar and buy thing personally, it is a case of immediate possession.

# (ii) Mediate possession:

Mediate possession is also known as indirect possession. When the relation between the possessors and the thing is through the intervention or agency of some other person, it is called mediate possession.

Example: If 'A' send his agent to the bazaar to buy something and he does make the purchase, the possession of 'A' is mediate.

# Categories of Mediate Possession:

here are three categories of mediate possession.

1. First category: In it, the owner has possession through an agent or servant who acquires and retails possession of a thing entirely on behalf of the owner without claiming any interest for himself e.g., buying a book on behalf of owner.

Criticism:

It is pointed out that in case of an agent or servant, he does not possess the thing but has merely the custody of the thing. The animus possidendi is lacking.

# Second category:

In the second category, the immediate possession is with a person who holds the thing on his behalf and the behalf of some other person and who is bound to hand over the thing whenever that other person desire e.g., where someone borrows a book from someone. Criticism: It is pointed out that two persons cannot be in possession of the same thing at the same time adversely to each other. The reason is that if one person has both the corpus of possession and the animus possidendi he has full possession of the thing.

# Third category:

In the case of third category, the immediate possession is with one person but he is bound to return the same after a certain period or on the fulfillment of certain conditions.

# Example:

If 'A' owe some money to 'B' and pledge certain things to him. 'B' has immediate possession of the thing pledged but is bound to return the same to the 'A' on payment of the debt.

# I. CORPOREAL AND INCORPOREAL POSSESSION:

1. **Corporeal Possession:**

Corporeal possession is the possession of a material object e.g., possession of a car, books etc.

# corporeal Possession:

Incorporeal possession is the possession of a anything other than material object. It is the possession of a right e.g., possession of a copyright etc.

# (iii). REPRESENTATIVE POSSESSION:

Representative possession is that in which the owner has possession of a thing through an agerr or servant. The essence lies in a fact that the master has the animus (intent) to exercise contra over the thing in the hands of his servant or agent.

# CONCURRENT POSSESSION:

In the case of concurrent possession, the possession of a thing may be in the hands of twc or more persons at the same time but heir claims are to adverse or destructive to each other.

# Example:

I may possess a piece of land and another person may have the right of way on the same land.

# DERIVATIVE POSSESSION:

In derivative possession, the holder of the thing combines in himself both the physical and mental elements which constitute legal possession e.g., creditor has derivative possession of the thing pledged to him.

# CONSTRUCTIVE POSSESSION:

It is not an actual possession. It is a possession in law and not in fact.

# Example:

Giving of key of a building is the giving constructive possession of the building.

# ADVERSE POSSESSION:

The possession of property by a person is adverse to every other person, having or claiming to have right to the possession of the same, by virtue of a different title when adverse possession is established, it extinguishes the title of true owner.

# Conditions for Adverse Possession:

1. Possession must be an invasion of the ownership of another i.e., ownership must belong to some other person.
2. Possession should be actual exclusive and adequate in continuity and publicity.
3. Possession must be exercised without violence.
4. It should be exercised openly i.e., without stealth.
5. The act of possession must be without permission.

# Viii. DUPLICATE POSSESSION:

Claims to possession which admit of concurrent realization give rise to duplicate possession. Example: The possession of co-owners is a case of duplicate possession.

# DIFFERENCE BETWEEN POSSESSION AND OWNERSHIP:

Ownership and possession have the same subject-matter. The two things stand mutually to coincide ownership strives to realize itself in possession and possession endeavours to justify itself as ownership Following are the differences between these two terms.

# Nature:

Possession is the de facto exercise of a claim while ownership is the de jure recognition of that claim.

# As to Guarantee:

Possession is the guarantee of the facts while ownership is the guarantee of law.

# As to spirit:

Possession without ownership is the body of fac: uninformed by the spirit of right. While ownership without possession is right unaccompanied by that environment of fact in which it normally realizes itself.

# Effect:

Possession is a evidence of ownership while the ownership is not the evidence of possession.

# Effect of Time:

Through the influence of time, possession without title ripens into ownership and ownership without possession withers away and dies.

# As to conception:

Ownership is conception is the absolute while possession is the concrete realization of that concept.

# As to Alienation or destruction of a thing:

The owner may alienate a thing or even destroy it is such a manner that fie does not disturb the rights of other people. While a possessor has no such rights as regards to the thing possessed.

1. **Acquisition:** The transfer of possession is comparatively easier and less technical but the transfer of ownership is most cases involves a technical process of conveyance.
2. **Remedies:** For the protection of ownership, proprietary remedies are available while for the protection of possession, possessory remedies are available.

# CONCLUSION:

To conclude, I can say that possession is an essential concept in legal system. It is a prima facie evidence of ownership. It is classified into different kinds and different ways are provided for the acquisition of it.

# Bibliography

Lectures of lecturer Miss. Jameela Saeed UBC by Khurram Qurishi

Internet Search Class notes Self collection