

# DIFFERENCE BETWEEN OWNERSHIP AND POSSESSION

## POSSESSION :-

Possession literary means physical control over a thing or an object. It express the closest relation of fact that can exist between a thing and a person, who possess it. In law means, possession means it includes not only physical control but also an intention to exercise that physical control.

## Ownership :-

Ownership means the relationship between a person and a thing which is the object of ownership. It is also a relation between a person and a right that is vested in him.

So, the ownership is actually the Total of sum of all the rights of possession, right of disposition and even the right of destruction.

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## Differences:-

- Most of us think that the terms ownership and possession refers to the same thing. Both ownership as well as possession can simply define as a state, act or right of owning something. However, in legal terms, they have different meanings.
- The main difference between possession and ownership is that possession is requiring a physical control of an object while ownership is the right through which something goes to someone.
- When someone have legal rights over a property it can be said, be that they own it. The ownership is the right which grants a thing or objects to a person in a manner that the things belong to a person.
- The term ownership refers to the legal right to possess anything, ownership can mention to owning an object, land as well as intellectual properties. Ownership of property can be classified as private, collective or common. Defining one's property, ownership includes determining who has the rights or duties over the property.

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- Ownership can be considered as a fact that can be proved through the title of the property. The idea of ownership is followed by the idea of possession. The ownership is defined as the de-jure recognition of the property rights.
- Ownership can be subjective and objective. It indicates the externally and internally. An essential feature of ownership is the right of alienation.
- The concept of ownership is using in widest meaning. The titleholder has the right to consume or strange with his free will. The residuary power is bestowed in the owner.
- Ownership is the assurance of the law. It is left to seek "proprietary remedies". Ownership the matter of multiple rights.
- Possession can be defined as physical custody or control by any object. Possession is not same as ownership. A criminal might be in ownership of the stolen property or money which really belongs to another person. often possession of a weapon from a suspect is defined against him as if he has used to it commit any crime.

possession can be considered as a de-facto exercise of claim over a property. possession is the impartial realization of an ownership. It is the outside significance of ownership. This right is not realized in possession.

- In this sense the concept of possession is narrow. The possessor has limited rights to consume, destroy and alienate. The possessor is not given rights of residuary power. It is the guarantee of the facts.

- Possessory remedies are left with possessor. Transfer of the possession is comparatively can easily be transferred. It cannot be possessed as a right in personam can only be owned.

- Possession is both a legal, non-legal and pre-legal concept.

- Power and purpose to control a thing are significant in the theory of possession. Ownership is an assurance by law whereas possession is physical control. Ownership is not required for possession.

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- Ownership itself gives the owner the right to the possession. However, the possession does not indicate the right to the ownership.
- The transfer of ownership is a technical and a long process and involves conveyance while the transfer of possession is fairly easier and the less technical.
- Ownership is essentially a bundle of rights, all rights in rem. Possession is not a right just a prima facie evidence of ownership.