All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing able students with a stand-alone resource. This chapter focuses its discussion on personal claims, where the claimant seeks a sum of money from the defendant but does not assert any right to any particular property. However, even where the defendant is solvent and could satisfy a personal claim, a proprietary claim might often be more desirable. If the property has risen in value, then that uplift in value will necessarily benefit the claimant if the claim is proprietary, but not if the claim is personal. A personal claim for the value of the property at the time of the third party’s wrong might be preferred where the property has fallen in value. Moreover, a personal claim will be the only possible type of claim available to the claimant if the property in question has been dissipated and no longer exists. In such circumstances, a proprietary claim is impossible and a personal claim alone can be pursued.
19. Third Party Liability

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