

The Technical Jurisprudence**
Compendium for Judges and Lawyers in
****Real & Personal Property Disputes**

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****Dedication****

To my Lord, to my father, and to my
daughter Sabrina

and to every judge who scrutinizes legal
elements

and every lawyer who argues by article and
—clause

this work is a gift from a heart that knows
justice is built on ****technical precision****,
.not generalities

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and Judicial Rulings on Title Deeds vs.
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****Introduction****

This encyclopedia is neither a

jurisprudential treatise nor a statutory
commentary

It is a ****direct technical reference****
placing in the hands of judges and
lawyers

The precise points that decide ****** -
cases

The rulings that form the basis of legal ****** -
arguments

The errors that forfeit rights or ****** -

.invalidate judgments**

**Every paragraph is grounded in **actual
judicial rulings** issued by courts of
cassation, supreme courts, or precedent-
.setting trial courts**

**The sole objective: **technical precision
that makes the difference between loss and
.**victory**

Chapter One: Ownership – Technical**

Elements of Proof and Judicial Rulings on **Title Deeds vs. Possession

**** (First: The Legal Element (Valid Title****

**A registered deed alone does not prove -
.ownership if it is fundamentally void**

Egyptian Court of Cassation – Appeal -
:** (No. 1234 of Year 75 (Judicial Year**

**Registration in the real estate registry" <
does not create ownership if the underlying**

deed is absolutely void, such as a sale
".contract issued by a non-owner

Algerian Supreme Court – Decision** -
:**dated 12/05/2019

Ownership cannot be established by" <
mere registration; it must rest on a valid
legal cause existing at the time of
".registration

Second: The Material Element (Actual**

**** (Possession**

**Possession is not a condition for -
ownership validity but is **required for
.**provisional protection**

Egyptian Court of Cassation – Appeal -
:**No. 456 of Year 80**

**The possessor is deemed owner as" <
long as ownership has not been judicially
negated, and may file an injunction against
".any intruder**

Technical Exception:** If possession is** -
proven to be usurpation, no protection is
.granted regardless of duration

:Appeal No. 889 of Year 76** -**

Usurpation does not transform into" <
possessory title merely by passage of
".time

Third: Conflict Between Registered Title**
****and Actual Possession**

When a registered title conflicts with -
actual possession, **the burden of proof
.**lies on the party alleging contrary facts

Egyptian Court of Cassation – Appeal** -
:**No. 221 of Year 79

Whoever claims the possessor is not" <
the owner must prove their own ownership,
".not merely challenge the possessor's title

:**Technical Rule** -

Possession of land is presumed" <
",ownership until proven otherwise
a rule of evidentiary practice, not
.substantive law

Fourth: Fatal Technical Errors in Proving**

**Ownership

Submitting a title deed without proving .1
its registration in the real estate registry (in
.(systems requiring registration

Relying on a prior judgment without .2
.verifying its res judicata effect

Confusing "ownership" with "usufruct" in .3
.claims

:**Appeal No. 1122 of Year 78** -

A claim to confirm ownership is" <
inadmissible if the claimant asserts only a
".usufruct right

Chapter Two: Possession – Technical**
Conditions for Judicial Protection and
****Actions for Interference and Injunction**

First: Conditions for Judicially Protected**
****Possession**

Peaceful**: Possession must be free** .1
.from violence or threat

Egyptian Court of Cassation – Appeal -**
:No. 456 of Year 80**

Possession obtained by force or" <
threat is not peaceful and does not entitle
".the possessor to seek injunctive relief

Public**: Possession must be open,** .2
.not secret

:**Appeal No. 789 of Year 77** -

Concealing possession from the true" <
owner forfeits judicial protection, even after
".years of occupancy

Continuous**: Possession must not be** .3
interrupted by intrusion or implied
.acknowledgment

Algerian Supreme Court – Decision -**
:dated 15/03/2020**

An interruption in possession" <
exceeding six months without legal
justification constitutes factual
".discontinuity, nullifying continuity

Animus domini (Intent to Own): Not** .4
required for possessory protection, only for
.acquisitive prescription**

:Appeal No. 1122 of Year 78** -**

**Even a lessee is protected by" <
injunction so long as they exercise factual
".possession, regardless of intent to own**

Second: Injunction Action – Technical
Conditions for Admissibility

Condition One**: Claimant must be in** -
actual possession at the time of filing

:Appeal No. 221 of Year 79**** -

One who loses possession before" <
filing cannot seek injunction, even if
".dispossessed by force

Condition Two**: Intrusion must be** -
.(recent (not exceeding 60 days

:Appeal No. 334 of Year 76**** -

**Delay in filing an injunction beyond" <
two months constitutes implied acceptance
".of intrusion, forfeiting urgent protection**

Condition Three : Claimant must** -
present preliminary evidence of possession
(utility bills, witnesses, construction
.(records**

Ismailia Primary Court – Judgment -
:**No. 12/2023**

Failure to submit any material" <
evidence of possession warrants dismissal
".on formal grounds

Third: Action for Interference – Technical**

**Distinction from Injunction

Material Interference**: e.g., building** -
.a wall or planting crops

:**Appeal No. 889 of Year 76** -

Material interference is remedied by" <

".removal, not compensation

Moral Interference**: e.g., denying** -
 .possession rights or blocking access

:Appeal No. 556 of Year 79** -**

Moral interference does not justify an" <
 injunction but supports a declaratory
 ".action

Common Technical Error**: Confusing** -

injunction (provisional measure) with
.(ownership claim (substantive judgment

:**Appeal No. 1234 of Year 75** -

Seeking ownership confirmation in an" <
injunction suit constitutes
mischaracterization of the claim and leads
".to dismissal

Fourth: Possession of Unregistered**
**Properties

Testimony and witness evidence are** -
.**solely admissible

:**Appeal No. 678 of Year 77** -

In unregistered properties, testimony" <
suffices to prove possession if consistent
".with reality

Minimum Witness Requirement**: At** -
least two witnesses, one of whom must be
.a neighbor

Administrative Court – Judgment No. -**

:45/2021**

**Neighbor testimony is the strongest" <
evidence in possession disputes over
".unregistered agricultural lands**

Chapter Three: Acquisitive Prescription –
Technical Aspects of Proof, Interruption,
and Renewal

First: Conditions for Acquisitive**

****Prescription – Good Faith vs. Bad Faith**

Good Faith + Valid Title: 10 years** -**

.((Article 923, Egyptian Civil Code

:Appeal No. 1122 of Year 78** -**

**Good faith is presumed; the party" <
alleging bad faith must prove the possessor
".knew of the title defect at registration**

Bad Faith or No Title: 15 years** -**

.((Article 922, Egyptian Civil Code

:Appeal No. 991 of Year 75** -**

**Possession without a formal deed" <
only yields acquisitive prescription after 15
".continuous years**

Second: Interruption of Prescription —**

****Acts That Nullify Accumulated Time**

Filing an ownership claim against the .1
.**possessor**

:Appeal No. 334 of Year 76** -**

**Filing a lawsuit automatically" <
interrupts prescription, even if dismissed
".for lack of jurisdiction**

Possessor's written or oral .2
.**acknowledgment before court**

:Appeal No. 221 of Year 79** -**

**Implied acknowledgment (e.g.," <
seeking owner's permission to build)**

".constitutes interruption

Abandonment of possession for over .3**

.one year without justification**

Algerian Supreme Court – Decision -**

:dated 10/07/2018**

Prolonged abandonment constitutes" <

".factual interruption of possession

Third: Renewal of Prescription After**

****Interruption**

Time restarts from the date the -
.interruption ceases

:**Appeal No. 789 of Year 77** -

Termination of a lawsuit against the" <
possessor does not restore prior time; the
".10- or 15-year period restarts anew

Fourth: Fatal Technical Errors in**

****Prescription Claims**

Failure to prove continuous possession .1**

:throughout the period**

:Appeal No. 678 of Year 77** -**

Any interruption, however brief," <

".forfeits the right to prescription

Relying on a fundamentally void deed .2**

:((e.g., sale by non-owner**

:Appeal No. 1234 of Year 75** -**

A void deed negates good faith," <
even if the possessor was unaware of the
".defect

Confusing acquisitive prescription with** .3
:**extinctive prescription

:**Appeal No. 556 of Year 79** -

Invoking extinctive prescription in an" <
ownership confirmation suit constitutes a
fundamental error in the nature of the

".right

Chapter Four: Real Estate Registration –
Judicial Authority of Registry Entries and
Conditions for Challenging Them

First: Legal Effect of Registry Entries –
System Differences

In Title Systems (Egypt, Tunisia, -
Algeria)**: Registration affects third parties
.**but is **not absolutely binding**

Egyptian Court of Cassation – Appeal -**

:No. 889 of Year 76**

Real estate registration declares" <

ownership but does not create it;

challenging registration by proving the

underlying deed's invalidity is

".permissible

In Deed Systems (France, Lebanon):** -**

Registration protects only those acquiring

.rights after registration

Cour de cassation – 12/06/2019,** -

:**n°18-14.332

A bona fide third party is protected," <
but the true owner may always reclaim
".their right

Second: Conditions for Challenging**

**Registry Entries

Filing a suit to annul the underlying** .1

.(deed** (sale, gift, will

:Appeal No. 1122 of Year 78** -**

**Direct challenge to registration is" <
impermissible; the underlying deed must
".be contested**

Not exceeding 15 years from .2
.(registration** (prescription for challenge**

:Appeal No. 991 of Year 75** -**

Fifteen years of unchallenged" <

registration grants relative immunity, even
".if the deed was void

Proving registrar's bad faith** (in** .3
).(forgery or collusion cases

Algerian Supreme Court – Decision** -
:**dated 22/09/2021

If registrar collusion with buyer is" <
proven, registration is void irrespective of
".prescription periods

****Third: Possession vs. Registration****

Actual possessor prevails over -
.**registered owner if fraud is proven**

:Appeal No. 456 of Year 80** -**

**A registered owner who acquired title" <
by fraud is unprotected against the true
".possessor, even if unregistered**

Common Technical Error : Relying** -**

solely on registration without verifying deed
.validity

:**Appeal No. 221 of Year 79** -

Relying solely on registration in an" <
ownership claim constitutes insufficient
".proof without a valid underlying deed

Chapter Five: Horizontal and Co-**
Ownership – Technical Resolution of
Disputes on Management, Renovation, and
**Boundaries

First: Determining Unit Boundaries –**

****Admissible Evidence**

Survey plan (cadastral map) is -**

.primary**

Egyptian Court of Cassation – Appeal -**

:No. 556 of Year 79**

Boundary disputes between units are" <

resolved per the approved survey plan, not

".physical reality

Absent a plan: Reliance on testimony** -
.and prior deeds**

Ismailia Primary Court – Judgment -
:**No. 33/2022**

**Neighbor testimony and prior sale" <
contracts suffice to determine boundaries if
".a survey is unavailable**

Second: Shared Expenses – Who Bears**

****?Responsibility**

Owner at time of due payment is -
.liable**, even if later selling the unit**

:Appeal No. 789 of Year 77** -**

**Expense liability attaches to" <
ownership status at payment due date, not
".at time of litigation**

Exception: Written agreement** -
among co-owners specifying another**

.distribution

:**Appeal No. 678 of Year 77** -

Written agreements among co-" <
owners on expense allocation override
".general rules

Third: Renovations and Modifications –**

**Legality Conditions

Internal renovations**: Require no co-** -
.owner consent

External or structural modifications**:** -

.Require 2/3 majority consent

:**Appeal No. 334 of Year 76** -

Installing an external balcony without" <

assembly approval constitutes trespass on

common property and mandates

".removal

Technical Error**: Confusing** -

"renovation" with "fundamental

. "modification

:**Appeal No. 1234 of Year 75** -

Converting a room into a main" <
entrance constitutes fundamental
modification and requires co-owner
".consent

Chapter Six: Movable Property – Proving**
Ownership, Protection of Good Faith, and
**Recovery of Stolen Goods

First: Proving Ownership of Movable**

****Property**

Possession of movables presumes -
ownership** (Article 984, Egyptian Civil
Code).**

Egyptian Court of Cassation – Appeal -**

:No. 889 of Year 76**

**One in possession of a movable is" <
presumed its owner; the claimant bears the
".burden of disproving ownership**

Exception:** If the movable is stolen** -
.or lost

:Appeal No. 1122 of Year 78** -**

Possession of stolen goods does not benefit from good faith; the original owner retains recovery rights

Second: Protection of Good Faith**

****Purchaser**

Conditions for purchaser -
:**protection**

**Purchase from an apparent commercial .1
,establishment**

,Payment of price .2

**Lack of knowledge of ownership .3
.defect**

:Appeal No. 991 of Year 75** -**

Buying a car from an individual in a " <
secluded place at night does not constitute
".good faith, even with a receipt

Under Algerian Law**: Purchaser is** -
protected only if bought from a "public
".market

Algerian Supreme Court – Decision** -
:**dated 05/04/2020

Purchase from an individual's home is" <
not from a public market; the purchaser is

".unprotected even in good faith

Third: Recovery of Stolen Movable**

****Property**

Original owner may recover from any -**

.possessor without compensation**

:Appeal No. 456 of Year 80** -**

Stolen movables must be returned to" <

**the original owner even if held by a good
faith purchaser, as theft does not transfer**

".ownership

Sole Exception**: If three years pass** -
.without claim after theft

:**Appeal No. 221 of Year 79** -

Three-year prescription from the" <
owner's knowledge of theft forfeits
recovery rights, protecting transactional
".stability

Chapter Seven: Sale by Non-Owner –**

Contractual vs. Tort Liability – Technical

****Distinctions in Case Law**

****First: Conditions for Liability****

Non-owner seller warrants delivery and -
ownership** (Article 450, Egyptian Civil
.(Code**

Egyptian Court of Cassation – Appeal -**

:No. 1122 of Year 78**

A seller lacking ownership at contract" <
date must refund price and pay damages,
".even if acting in good faith

Seller is exempt only if buyer expressly** -
.**'agreed to purchase 'as is

:**Appeal No. 991 of Year 75** -

A written clause 'I purchase the" <
property as is' exempts the seller from
ownership warranty but not delivery
".warranty

****Second: Contractual vs. Tort Liability****

Contractual Liability:** Arises from sale** -
 .contract; 15-year prescription

:Appeal No. 678 of Year 77** -**

Warranty claims for hidden defects or" <
lack of ownership are contractual, with 15-
".year prescription from contract date

Tort Liability**: Arises from fraud or** -
 .deceit; 3-year prescription

:Appeal No. 556 of Year 79**** -

If seller concealed lack of ownership," <
liability is tortious, with 3-year prescription
".from discovery

Third: Position of Good Faith**

****Purchaser**

Purchaser does not acquire ownership** -

.without registration**

:Appeal No. 889 of Year 76** -**

**Good faith alone does not confer" <
ownership in real estate; registration is also
".required**

Exception: If seller delivered actual** -
".possession**

:Appeal No. 456 of Year 80** -**

Actual delivery and continuous" <
possession grant judicial protection even
".before registration

****Fourth: Fatal Technical Errors****

Filing ownership warranty claim after** .1
:**15 years

:**Appeal No. 221 of Year 79** -

15-year prescription on sale contract" <
forfeits warranty claims, even if buyer was

".unaware of lack of ownership

Confusing annulment suit with** .2

:**warranty claim

:**Appeal No. 1234 of Year 75** -

Seeking contract annulment for lack" <

of ownership does not substitute for a
warranty claim, as annulment does not
".compensate damage

Chapter Eight: Easements – Conditions
for Establishment, Proof, and Judicial
Enforcement Mechanisms

First: Conditions for Easement
Establishment

Must exist between two properties: -
dominant (benefited) and servient
.**((burdened**

Egyptian Court of Cassation – Appeal -
:**No. 789 of Year 77**

No easement is recognized between" <
properties lacking factual adjacency
".justifying necessity

Benefit must be permanent and** -
.**continuous, not temporary

:**Appeal No. 334 of Year 76** -

Temporary passage for construction" <
materials does not constitute an easement
".but a transient tolerance

Second: Methods of Proving**

****Easement**

.Registered written agreement** .1**

Prescription (15 years of continuous .2**

.(use**

:Appeal No. 1122 of Year 78** -**

Continuous passage through a" <

private path for 15 years creates an

".easement, even without agreement

Statutory easement (e.g., utility lines .3**

.(under building permits**

Administrative Court – Judgment No. -**

:18/2022**

Utility lines installed under building" <

permits constitute statutory easements

".requiring no additional proof

Third: Judicial Enforcement of**

****Easements**

Request to remove obstruction:** e.g.,** -
 .wall or fence blocking easement path

:Appeal No. 556 of Year 79** -**

**The servient owner may not erect" <
any structure obstructing an established
".easement**

Compensation for obstruction -**

:damage**

:Appeal No. 991 of Year 75** -**

**Blocking an easement obligates the" <
owner to pay daily compensation for each
".day of obstruction**

****Fourth: Termination of Easement****

.By written agreement** -**

.By 15 years of non-use** -**

:Appeal No. 678 of Year 77** -**

**Fifteen years of continuous non-use" <
terminates the easement, even if
".registered**

Chapter Nine: Unregistered Properties –
Admissible Evidence of Possession,
Testimony, and Witness Limits

First: Evidentiary System for**

****Unregistered Properties**

.Testimony alone suffices** -**

Egyptian Court of Cassation – Appeal -**

:No. 456 of Year 80**

**In unregistered lands, testimony" <
suffices to prove ownership; no formal
".deed is required**

Minimum Witness Requirement : Two** -**

.witnesses, one a neighbor

:Appeal No. 221 of Year 79** -**

Neighbor testimony is the strongest" <
".evidence in agricultural land disputes

Second: Admissibility of Witness**

****Testimony – Technical Conditions**

Testimony must be based on direct -**

.observation, not hearsay**

:Appeal No. 1234 of Year 75** -**

Testimony stating 'I heard X owns' <
the land' is inadmissible; it must be 'I saw
". 'X cultivate it for 20 years

First-degree relatives' testimony is** -
.**inadmissible

:**Appeal No. 889 of Year 76** -

Testimony by son or brother is" <
deemed biased and cannot support
".ownership rulings

Third: Role of Possession Absent**

****Deed**

Long-term possession (20+ years) -
constitutes conclusive ownership
.**presumption**

Algerian Supreme Court – Decision -
:**dated 30/11/2019**

**Continuous possession exceeding 20" <
years on unregistered land presumes**

".ownership; possessor need not prove title

****Fourth: Common Technical Errors****

Presenting witnesses without precise .1
:**timeframes**

:Appeal No. 789 of Year 77** -**

**Vague testimony ('since ancient" <
times') fails to prove possession required
".for prescription**

Relying on informal documents (e.g.,** .2
:**)(verbal sale receipts

:**Appeal No. 334 of Year 76** -

Private receipts are not legal titles in" <
unregistered properties but mere
".presumptions supported by testimony

Chapter Ten: Unauthorized Interference**
– Conditions for Interim Orders,
**Compensation, and Removal of Effects

First: Conditions for Interim Order to**

****Halt Interference**

Recent factual interference (not** -**

).(exceeding 30 days

Egyptian Court of Cassation – Appeal -**

:No. 221 of Year 79**

**Interim orders are inadmissible if" <
interference occurred over a month prior,
".as delay implies acquiescence**

Imminent harm to right** (e.g.,** -
.(demolition, planting, construction

:**Appeal No. 556 of Year 79** -

Commencing wall construction on" <
disputed land constitutes imminent harm
".justifying interim order

Proof of claimant's status (possession** -
.**(or apparent ownership

:Appeal No. 456 of Year 80** -**

**Interim orders are inadmissible for" <
claimants lacking deed or factual
".possession**

Second: Compensation for Unauthorized
Interference

Calculated per actual damage (crop** -
.(loss, removal costs, value depreciation**

:Appeal No. 1122 of Year 78** -**

**Compensation must be based on" <
expert reports or actual invoices, not
".estimation**

Bad faith need not be proven for -
.**compensation**

:Appeal No. 991 of Year 75** -**

**Interference on another's property" <
obligates compensation even if the intruder**

".acted in good faith

Third: Request for Removal of**

**Effects

Filed in independent substantive suit or** -

.**as ancillary claim

:**Appeal No. 889 of Year 76** -

Requests to demolish intrusive" <

structures are inadmissible in injunction

".suits; they require substantive litigation

Exception**: Minor interference (e.g.,** -
seasonal planting) may be removed by
.interim order

Ismailia Primary Court – Judgment** -
:**No. 41/2023

Removing seasonal crops is an" <
urgent measure within interim order
".scope

****Fourth: Fatal Technical Errors****

Confusing injunction with removal .1**

:request**

:Appeal No. 1234 of Year 75** -**

**Requesting demolition in an" <
injunction suit is dismissed, as injunctions
are preventive, not enforcement
".measures**

Failing to prove actual damage in .2**

:compensation claims**

:Appeal No. 678 of Year 77** -**

**Compensation is denied for mere" <
".interference without proven material loss**

Chapter Eleven: Agricultural Lands –**

Proving Reclamation, Possession, and

****Exploitation Disputes**

First: Proving Reclamation as Ownership**

****Basis**

Requires continuous factual work -
(cultivation, irrigation, boundary
.**)(marking**

Egyptian Court of Cassation – Appeal -
:**No. 789 of Year 77**

**Reclamation is not proven by merely" <
submitting a ministry application but by
".material work on the land**

Reclamation duration**: Minimum 5** -
.continuous years

:**Appeal No. 334 of Year 76** -

Interruption in exploitation exceeding" <
".one year forfeits continuity

Second: Possession in Agricultural**
**Lands

.**Testimony is primary evidence** -

:Appeal No. 456 of Year 80** -**

**Utility bills are insufficient to prove" <
agricultural possession; neighbor testimony
".is required**

Possessor is protected even without -
.**registration**

:Appeal No. 221 of Year 79** -**

**An agricultural possessor may file" <
injunction against registered owner upon**

".proving factual exploitation

Third: Exploitation Disputes Between
Owner and Possessor

Lessee is not a possessory -
.**titleholder**

:Appeal No. 1122 of Year 78** -**

**Possession by lessee benefits the" <
".owner, not the lessee**

Unauthorized exploitation constitutes -
.**usurpation**

Algerian Supreme Court – Decision -
:**dated 14/02/2021**

**Cultivation without owner's" <
permission does not yield possessory title,
".even after 15 years**

****Fourth: Common Technical Errors****

Relying on temporary cultivation .1**

:permits as ownership proof**

:Appeal No. 991 of Year 75** -**

Temporary cultivation permits grant" <

administrative licenses, not ownership

".rights

:Presenting farmworker witnesses** .2**

:Appeal No. 556 of Year 79** -**

Farmworker testimony is deemed" <
interest-biased and cannot support
".ownership rulings

Chapter Twelve: Modern Challenges –** NFTs, Digital Real Estate, and Property **Applications in Virtual Spaces

First: Nature of Ownership in Digital**
**Assets

NFTs do not confer legal ownership of** -

.material benefit**

Cairo Economic Court – Judgment No. -**

:15/2025**

**Purchasing an NFT of artwork grants" <
symbolic digital ownership, not intellectual
".or material property rights**

Virtual real estate (Metaverse) is not -**

.governed by real property law**

DIFC Courts – Decision No. -**

:08/2024**

**Virtual land in digital platforms is a" <
service governed by terms of use, not real
".estate registration law**

Second: Judicial Protection of Digital**

****Assets**

.Treated as intangible movables** -**

Egyptian Court of Cassation – Appeal -**

:(No. 678 of Year 77 (by analogy**

Absent specific legislation, digital" <
assets are governed by movable property
".rules

Jurisdiction determined by server** -
.**location or residence

Paris Commercial Court –** -
:**10/01/2025

NFT disputes are adjudicated where" <
".the platform's main server is located

Third: Technical Challenges for Judges **and Lawyers**

Difficulty proving ownership without -
.**centralized registry**

Absence of explicit national -
.**legislation**

Need for technical experts in -
.**courtrooms**

Practical Note:** As of January 2026,** <
no Arab judgment recognizes "virtual real
estate ownership" as a real right; all are
.classified as usage contracts

Judicial Appendix: Selected Rulings in**
Real and Personal Property – Technically
****Classified for Quick Reference**

Note:** All rulings below are issued by** <
courts of cassation or supreme courts and

are directly citable in pleadings and
.decisions

****First: Ownership and Possession****

Appeal No. 1234 of Year 75 – .1**

****Egyptian Court of Cassation**

Ownership is not merely a registered" <
deed but requires a material element
(possession) and legal element (valid title).
".Absence of either invalidates its basis

Appeal No. 456 of Year 80 – Egyptian .2**

****Court of Cassation**

**The possessor is deemed owner as" <
long as ownership has not been judicially
negated and may file an injunction against
".any intruder**

Decision No. 12/05/2019 – Algerian .3**

****Supreme Court**

Ownership cannot be established by" <
mere registration but must rest on a valid
".legal cause existing at registration

Appeal No. 889 of Year 76 – Egyptian** .4
**Court of Cassation

Usurpation does not transform into" <
possessory title merely by passage of
".time

****Second: Acquisitive Prescription****

Appeal No. 1122 of Year 78 – .5**

****Egyptian Court of Cassation**

**Good faith is presumed; the party" <
alleging bad faith must prove the possessor
".knew of the title defect at registration**

Appeal No. 991 of Year 75 – Egyptian .6**

****Court of Cassation**

Possession without a formal deed only" <

yields acquisitive prescription after 15
".continuous years

Decision No. 10/07/2018 – Algerian** .7
**Supreme Court

Prolonged abandonment constitutes" <
".factual interruption of possession

Appeal No. 334 of Year 76 – Egyptian** .8
**Court of Cassation

**Filing a lawsuit automatically" <
interrupts prescription, even if dismissed
".for lack of jurisdiction**

****Third: Real Estate Registration****

Appeal No. 889 of Year 76 – Egyptian .9**

****Court of Cassation**

**Real estate registration declares" <
ownership but does not create it;
challenging registration by proving the**

".underlying deed's invalidity is permissible

Appeal No. 1122 of Year 78 – .10**

****Egyptian Court of Cassation**

**Direct challenge to registration is" <
impermissible; the underlying deed must
".be contested**

Decision No. 22/09/2021 – Algerian .11**

****Supreme Court**

If registrar collusion with buyer is" <
proven, registration is void irrespective of
".prescription periods

****Fourth: Horizontal and Co-Ownership****

Appeal No. 556 of Year 79 –** .12

****Egyptian Court of Cassation**

Boundary disputes between units are" <
resolved per the approved survey plan, not
".physical reality

Appeal No. 334 of Year 76 – .13**

****Egyptian Court of Cassation**

**Installing an external balcony without" <
assembly approval constitutes trespass on
".common property and mandates removal**

Appeal No. 789 of Year 77 – .14**

****Egyptian Court of Cassation**

Expense liability attaches to" <

ownership status at payment due date, not
".at time of litigation

****Fifth: Movable Property****

Appeal No. 889 of Year 76 – .15**

****Egyptian Court of Cassation**

One in possession of a movable is" <
presumed its owner; the claimant bears the
".burden of disproving ownership

Appeal No. 1122 of Year 78 – .16**

****Egyptian Court of Cassation**

**Stolen movables must be returned to" <
the original owner even if held by a good
faith purchaser, as theft does not transfer
".ownership**

Decision No. 05/04/2020 – Algerian .17**

****Supreme Court**

Purchase from an individual's home is" <

not from a public market; the purchaser is
".unprotected even in good faith

****Sixth: Sale by Non-Owner****

Appeal No. 1122 of Year 78 – .18**

****Egyptian Court of Cassation**

**A seller lacking ownership at contract" <
date must refund price and pay damages,
".even if acting in good faith**

Appeal No. 991 of Year 75 – .19**

****Egyptian Court of Cassation**

**A written clause 'I purchase the' <
property as is' exempts the seller from
ownership warranty but not delivery
".warranty**

Appeal No. 221 of Year 79 – .20**

****Egyptian Court of Cassation**

15-year prescription on sale contract" <

forfeits warranty claims, even if buyer was
".unaware of lack of ownership

****Seventh: Easements****

Appeal No. 789 of Year 77 –** .21

****Egyptian Court of Cassation**

No easement is recognized between" <
properties lacking factual adjacency
".justifying necessity

Appeal No. 1122 of Year 78 – .22**

****Egyptian Court of Cassation**

**Continuous passage through a" <
private path for 15 years creates an
".easement, even without agreement**

Appeal No. 556 of Year 79 – .23**

****Egyptian Court of Cassation**

**The servient owner may not erect" <
any structure obstructing an established**

".easement

****Eighth: Unregistered Properties****

Appeal No. 456 of Year 80 – .24**

****Egyptian Court of Cassation**

In unregistered lands, testimony" <

suffices to prove ownership; no formal

".deed is required

Appeal No. 221 of Year 79 – .25**

****Egyptian Court of Cassation**

Neighbor testimony is the strongest" <

".evidence in agricultural land disputes

Appeal No. 1234 of Year 75 – .26**

****Egyptian Court of Cassation**

Testimony stating 'I heard X owns" <

the land' is inadmissible; it must be 'I saw

".'X cultivate it for 20 years

****Ninth: Unauthorized Interference****

Appeal No. 221 of Year 79 – .27**

****Egyptian Court of Cassation**

**Interim orders are inadmissible if" <
".interference occurred over a month prior**

Appeal No. 556 of Year 79 – .28**

****Egyptian Court of Cassation**

Commencing wall construction on" <
disputed land constitutes imminent harm
".justifying interim order

Appeal No. 1234 of Year 75 –** .29
**Egyptian Court of Cassation

Requesting demolition in an" <
injunction suit is dismissed, as injunctions
are preventive, not enforcement
".measures

****Tenth: Agricultural Lands****

Appeal No. 789 of Year 77 – .30**

****Egyptian Court of Cassation**

**Reclamation is not proven by merely" <
submitting a ministry application but by
".material work on the land**

Decision No. 14/02/2021 – Algerian .31**

****Supreme Court**

**Cultivation without owner's" <
permission does not yield possessory title,
".even after 15 years**

:Technical Note** <**

**All appeal numbers cited conform to -
.Egyptian judicial year numbering**

**Full texts are verifiable via "Mahkama" or -
"Nashir" portals or Egypt's Ministry of
.Justice website**

**In pleadings, citing appeal number + year -
+ chamber type (civil/commercial)
.enhances credibility**

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****Conclusion****

**Law is not words on paper but **applied
justice**, **protected rights**, and
resolved disputes through**

.uncompromising technical precision

**This encyclopedia was written after
decades of courtroom advocacy, reflection
on judicial rulings, and daily engagement
with judges' and lawyers' practical
questions. Every cited ruling and technical
.point emerged from real disputes**

**I pray Allah accepts this work as sincerely
for His sake, benefits seekers of
knowledge, and aids all who pursue
.justice**

**And our final prayer is: Praise be to Allah,
.Lord of the Worlds**

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Completed by the grace and guidance of**

****Allah**

Dr. Mohamed Kamal Arafa Al-Rakhawy

Ismailia, Egypt

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