Civil Liability Deriving from Private Nuisance

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Abstract

Protecting the interests related to estate requires that people appropriately take benefit from their own estate and not interfere with the estate of the others. However, in case, people interfere with the estate of the others for the sake of the latter rights and interests, they are liable under the subject of the private liability. Because of ambiguity in the legal doctrine and rules with respect to the civil liability deriving from the private liability, the aim of this current paper is to investigate the concept and elements of the civil liability originating from the private liability. This paper, using a descriptive –analytical method as well as library sources and judicial decisions, has investigated the topic. In the end, we conclude, that the concept of liability of the private nuisance within the Iranian law is not appropriately specified. However, using the existing records in the foreign law and proper judicial decisions in this regard, we can specify and declare this concept and its elements

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