

**ACCIÓN DE PRESCRIPCIÓN POSITIVA**  
**(Posesión bajo concepto de dueño,**  
**a justo título, de buena fe y mala fe,**  
**prueba suficiente y acción o reconvencción)**

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**PRESCRIPCIÓN POSITIVA,**  
**DERECHO DE PROPIEDAD Y POSESIÓN<sup>1</sup>**

**ABANDONO DE LA PROPIEDAD.**

La prescripción positiva, o adquisitiva, es un medio de adquirir el dominio mediante la posesión pacífica, continua, pública, cierta y en concepto de dueño, por el tiempo que establezca la normatividad aplicable.

Por su parte, el derecho de propiedad implica un poder jurídico directo sobre la cosa para aprovecharla totalmente. Es el derecho real que otorga la mayor potestad jurídica en relación con un bien. Los otros derechos reales sólo comprenden formas de aprovechamiento parcial.

Ahora bien, se ha considerado que el abandono de un bien por parte del propietario, por un período prolongado de tiempo, en nada beneficia a la colecti-

<sup>1</sup> 22874 Luna Ramos, Margarita Beatriz **CONTRADICCIÓN DE TESIS 175/2010**. Novena Época, *Semanario Judicial de la Federación y su Gaceta*, Primera Sala de la Suprema Corte de Justicia de la Nación, t. XXXIII, mayo de 2011, p. 102.

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