

ACT AMENDING THE CIVIL PROCEDURE CODE (NO. 30),  
B.E. 2560 (2017)

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HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN

Given on the 2<sup>nd</sup> Day of July B.E. 2560;

Being the 2<sup>nd</sup> Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to amend the Civil Procedure Code;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

**Section 1.** This Act is called the “Act Amending the Civil Procedure Code (No. 30), B.E. 2560 (2017).”

**Section 2.** This Act shall come into force after the expiration of sixty days from the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3.** The provisions of (2) of section 7 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 28), B.E. 2558 (2015) shall be repealed and replaced with the following:

“(2) a plaint or a request submitted in connection with the execution of a judgment or an order of the Court, which requires a decision of the Court before such execution can be fully and duly carried out, shall be submitted to the Court prescribed in section 271;”.

**Section 4.** The provisions of paragraph two of section 15 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 18), B.E. 2542 (1999) shall be repealed and replaced with the following:

“In the case where an execution is to be carried out outside the territorial jurisdiction of the Court competent in the execution, it shall be governed by section 271 paragraph three, paragraph four and paragraph five.”

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<sup>1</sup> Published in the Government Gazette, Vol. 134, Part 69 a, page 1, dated 6<sup>th</sup> July B.E. 2560.

**Section 5.** The provisions of (5) of section 31 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 24), B.E. 2551 (2008) shall be repealed and replaced with the following:

“(5) refusing to appear in Court when the Court has issued an order under section 19, or summoned a judgment debtor or other persons under section 277.”

**Section 6.** The provisions of section 70 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 10), B.E. 2527 (1984) shall be repealed and replaced with the following:

“**Section 70.** All plaints, summonses and other writs, as well as all orders and decrees of the Court, where the decrees must be delivered, shall be delivered by an official of the Court to the parties or any third person concerned; however,

(1) any subpoenas for witness shall be delivered directly by the party citing such witness, unless the Court orders otherwise or the witness refuses to accept the subpoena, in which case the subpoena shall be delivered by an official of the Court;

(2) any order of the Court, including an order determining the date of hearing or taking evidence, as the case may be, or an order of adjournment shall, if the parties or persons concerned are present in the Court at the time of its issuance and have put their signature in cognizance thereof, be deemed as having been delivered in accordance with the law.

In case of a plaints, the plaintiff shall pay the fee for the delivery thereof; however, with respect to the its delivery, the plaintiff is not required to carry out the delivery, unless the Court orders the plaintiff to have the duty to secure the delivery. In case of summonses, other writs and orders of the Court issued upon application of any party, if the Court does not also order the party to secure the delivery, such party shall only pay the fees for the delivery thereof. In other cases, it shall be the duty of the Court to secure the delivery to the party or person concerned.”

**Section 7.** The provisions of (2) of section 132 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 17), B.E. 2542 (1999) shall be repealed and replaced with the following:

“(2) where the plaintiff fails to furnish a guarantee as provided by section 253 and section 323, or where either party or both parties are in default as provided by section 198, section 200 and section 201.”

**Section 8.** The provisions of (5) of section 144 of the Civil Procedure Code shall be repealed and replaced with the following:

“(5) the execution of judgments or orders under section 271;”.

**Section 9.** The provisions of paragraph two of section 145 of the Civil Procedure Code shall be repealed and replaced with the following:

“Notwithstanding the general statement worded by the Court that the judgment shall also be applicable to third persons who are not parties to the proceedings before the Court, such judgment or order shall not be binding on third persons, except as provided in section 142 (1), section 245 and section 366 and the following:

(1) judgments relating to the status or capacity of a person, or judgments ordering the dissolution of a juristic person, or bankruptcy orders may be relied upon by or set up against a third person;

(2) judgments deciding on the ownership of any property in favor of either party may be set up against a third person, unless such third person can prove that he or she has a better right.”

**Section 10.** The provisions of paragraph four of section 153 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 24), B.E. 2551 (2008) shall be repealed and replaced with the following:

“In the case where the execution continues to be carried out in accordance with section 327 or section 329 (2), the creditor who carries out the continued execution shall pay the execution costs only for the part of properties subject to such continued execution.”

**Section 11.** The provisions of paragraph four of section 154 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 24), B.E. 2551 (2008) shall be repealed and replaced with the following:

“The provisions of this section shall apply *mutatis mutandis* to a creditor who carries out the continued execution under section 327 and section 329 (2).”

**Section 12.** The provisions of paragraph two of section 169/2 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 24), B.E. 2551 (2008) shall be repealed and replaced with the following:

“In the case where the execution is carried out against a guarantor in Court, the execution costs in such part shall be deducted from the proceeds derived from the execution of the guarantee contract.”

**Section 13.** The provisions of paragraph four of section 169/2 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 24), B.E. 2551 (2008) shall be repealed and replaced with the following:

“In cases of the termination of execution other than the cases under section 292 (1) and (5), the judgment creditor who applies for seizure or attachment of the property shall be liable to the execution costs.”

**Section 14.** The provisions of paragraph two of section 199 *bis* of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 19), B.E. 2543 (2000) shall be repealed and replaced with the following:

“Execution of a judgment or an order against a defendant in default of answer shall be governed by section 273, section 289 and section 338.”

**Section 15.** The provisions of paragraph one of section 222/43 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 26), B.E. 2558 (2015) shall be repealed and replaced with the following:

“**Section 222/43.** Once an executing officer has seized or attached a property of the judgment debtor in another case on behalf of the judgment creditor, the lawyer of the plaintiff in the class action shall have the power to submit an application, in the form of a motion, to the Court which issues the writ of execution to seize or attach such property, in order for the Court to order the distribution of proceeds to the lawyer of the plaintiff, plaintiff and members of the class under section 326 in the amount they are entitled to receive.”

**Section 16.** The provisions of (1) of section 222/44 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 26), B.E. 2558 (2015) shall be repealed and replaced with the following:

“(1) persons having the preferential right to the performance of obligations under section 322 and section 324;”.

**Section 17.** The provisions of (4) of section 222/44 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 26), B.E. 2558 (2015) shall be repealed and replaced with the following:

“(4) plaintiff, members of the class and other creditors who have the right to the distribution of proceeds under section 326.”

**Section 18.** The provisions of paragraph three of section 231 of the Civil Procedure Code shall be repealed and replaced with the following:

“If the appellant deposits a sum of money with the Court of First Instance in an amount sufficient to pay for the judgment debt as well as the costs of action and execution, or has furnished a guarantee for such amount to the extent of satisfaction of the Court, the aforesaid Court shall stay the execution as provided in section 292 (1).”

**Section 19.** The provisions of paragraph one of section 261 of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 15), B.E. 2538 (1995) shall be repealed and replaced with the following:

“**Section 261.** A defendant or a third person who is delivered a writ of seizure, a writ of attachment or an order under section 254 (1), (2) or (3), or shall be injured by such writ of seizure, writ of attachment or order may submit an application to the Court for the withdrawal of the writ, the annulment of the order or the modification of the order, or the writ of seizure or writ of attachment issued under such order. However, if such third person applies for the release of the seized property or objects the order of attachment, section 323 or section 325, as the case may be, shall apply *mutatis mutandis*.”

**Section 20.** The provisions of Title 2 Execution of Judgments or Orders, section 271 to section 323 of Book 4 Provisional Measures before Judgment and Execution of Judgments or Orders, of the Civil Procedure Code as amended by the Act Amending the Civil Procedure Code (No. 29), B.E. 2558 (2015) shall be repealed and replaced with the following:

“TITLE II

EXECUTION OF JUDGMENTS OR ORDERS

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CHAPTER I

GENERAL PRINCIPLES

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Part 1

Court Competent in the Execution

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**Section 271.** The Court competent in the execution which has the competence to determine execution measures under section 276 and has the competence to make a decision or issue an order on any matter relating to the execution of a judgment or an order, is the Court which has tried and adjudicated the case in the first instance or as provided by law.

Where the Court of Appeal or the Supreme Court sends a case to another Court of First Instance which does not render the judgement or order against which the appeal or *dika* appeal is lodged, for a new trial and judgment under section 243 (2) and (3), the Court which renders the new judgment or order shall be the Court competent in the execution, unless the Court of Appeal or the Supreme Court, as the case may be, directs otherwise.

In the case where an execution is required to be carried out outside the territorial jurisdiction of the Court, the Court competent in the execution shall have the power to appoint another Court to carry out the execution on its behalf; or the judgment creditor may submit a statement or the executing officer may submit a report to the Court where the execution is to be carried out, together with a copy of the writ of execution or a copy of the order determining the execution measures, in which case such Court shall inform the Court competent in the execution without delay and the Court where the execution is to be carried out shall appoint an executing officer or issue any other order for further carrying out the execution.

In case of seizure of properties or attachment of claims, the Court of execution shall send the property seized or attached or the proceeds received from the sale thereof, as the case may be, to the Court competent in the execution for proceeding in accordance with the law.

In the case where the execution is carried out outside the territorial jurisdiction of the Court in a defective, erroneous or unlawful manner, the Court of execution shall have the power to order the annulment or rectification of the entire execution proceedings or any particular execution measure, or to issue an order determining any measure for the executing officer to rectify such defect, error or unlawfulness, as well as to carry out any proceedings incidental thereto, provided however that once the execution is complete and the result thereof has been informed to the Court competent in the execution, it shall exclusively be the power of the Court competent in the execution.

## Part 2 Decrees

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**Section 272.** If the Court has rendered any judgment or order requiring an execution be carried out against a judgment debtor, the Court shall issue a decree immediately after such judgment or order is pronounced or deemed to have been pronounced, and it shall be deemed that the judgment debtor is informed of the decree on such date.

In a case where the judgment debtor is in default of answer or default of appearance, and the judgment debtor, the lawyer or a person receiving a proxy from any such person to hear the judgment or order is not present at the time the decree is issued, it shall be governed by section 199 *bis* or section 207, as the case may be.

**Section 273.** Where a decree requires payment of money or delivery of a property or performance of or forbearance from an act, the Court shall expressly specify in

such decree the period of time within which and other conditions under which the payment of money, the delivery of property, the performance of or forbearance from the act is to be effected; however, in a petty case, the Court is not required to give the judgment debtor more than fifteen days for the compliance with such judgment or order.

In a case where there are grounds under section 272 paragraph two, the Court shall give the judgment debtor not less than seven days for the compliance with the judgment or order.

The period of time under paragraph one and paragraph two shall commence from the date on which the judgment debtor is deemed to have been informed of the decree, unless the Court expressly specifies, at the time of the issuance of the decree or at the time subsequent thereto, that it shall commence from any specific date as the Court deems appropriate in the interest of justice.

During the period where the period of time specified in the decree has not yet lapsed or the performance of the measures or conditions specified in the decree has not yet been complete, the judgment creditor may submit an *ex parte* application to the Court for the issuance of an order prescribing any measure for the protection of his or her interests.

In the case where the Court has issued any order under paragraph four, such order shall continue to be in force insofar as it is necessary for the compliance with the judgment or order of the Court. However, if the judgment creditor fails to apply for the execution within fifteen days from the date of the expiration of the period of time specified in the decree for the compliance with the judgment or order, such order shall be deemed to have been revoked upon the expiration of the aforesaid period of time.

### Part 3

#### Application for Execution

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**Section 274.** If the party or person losing the case or the person required by the judgment or order of the Court to perform an obligation (judgment debtor) entirely or partially fails to comply with the decree issued in accordance with the judgment or order of the Court, the party or person winning the case or the person entitled to the performance of an obligation under the judgment or order of the Court (judgment creditor) shall be entitled to request the execution by means of seizure of properties, attachment of claims or other execution measures as provided in this Book within ten days from the date of the judgment or order. If the judgment creditor requests the executing officer to partially seize the property or attach the claim, or partially carries out the execution by other measure within such period of time, the execution against such property or claim or the execution by such other measure may continue until its completion.

If the judgment or order requires the obligation to be performed in instalments, on a monthly or annual basis, or be performed in the future, the ten-year period under paragraph one shall commence from the date on which the performance of obligations under such judgment or order is enforceable.

If the claim under the judgment or order is the payment of money or the return or delivery of a specific thing, the person who receives the transfer of or is subrogated to the right under such judgment or order has the power to carry out the execution in accordance with the provisions of Chapter 2 Execution in Cases of Money Debt and Chapter 3 Execution in Cases of Return or Delivery of Specific Things, as the case may be, by requesting the Court to assume the right of the judgment creditor.

**Section 275.** If a judgment creditor applies for the execution, he or she shall submit to the Court for the execution an *ex parte* application, in which the following particulars shall be expressly specified:

- (1) obligations not yet performed by the judgment debtor in compliance with the decree;
- (2) execution measures which shall be carried out by the Court upon the application.

During the period where the Court has not yet determined the execution measures as applied by the judgment creditor under paragraph one, if there is a necessity, the judgment creditor may submit an *ex parte* application to the Court for the issuance of an order prescribing any measure for the protection of his or her interests. If the Court deems appropriate, it may issue an order granting the permission thereto without making any inquiry. In such case, the judgment debtor may promptly submit an application for the Court for revocation of such permission order. Such application may be made in the form of an *ex parte* application upon permission of the Court. If the Court deems appropriate, it may issue an order to revoke such permission order without making any inquiry. The order of the Court under this paragraph shall be final.

In the case where the Court has issued an order to protect the interests of a judgment creditor under paragraph two, such order shall continue to be in force insofar as it is necessary for the compliance with the judgment or order of the Court.

#### Part 4

#### Consideration of an Application for Execution

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**Section 276.** Upon application for the execution by a judgment creditor, if the Court finds that the judgment debtor is informed or deemed to have been informed of



the decree, and the period of time specified for the purpose of compliance with the decree has lapsed, and the application contains the information in a complete manner, the Court shall determine the execution measures in accordance with the provisions of this Code and section 213 of the Civil and Commercial Code as follows:

(1) If the execution must be carried out by an executing officer, the Court shall issue a writ of execution appointing an executing officer and notify the executing officer for further proceeding as prescribed by such writ;

(2) If the execution may be carried out without having to appoint an executing officer, the Court shall issue an order prescribing the measures as it deems appropriate insofar as the nature of the execution may permit;

(3) If the arrest and detention of the judgment debtor is applied with the Court, further proceedings shall be taken in accordance with the provisions on such matter.

In a petty case, prior to issuing a writ of execution, if the Court deems appropriate, it may issue a summons to call the judgment debtor or other person for conducting an inquiry in connection with the compliance with the judgment in order to consider whether it is suitable to issue a writ of execution.

In the case where the person applying for the execution applies for any particular proceedings in connection with the execution, if there is any ground to suspect that the execution should not be carried out against any particular property or there are other reasonable justifications to protect a third person from injury that may be caused by such proceedings, prior to the issuance of an order granting the application, the Court has the power to issue an order requiring the person applying for the execution to deposit a sum of money or furnish a guarantee with the Court in an amount and within the time period as it deems appropriate, to be a guarantee for the payment of a compensation for the injury that may be caused by such execution proceedings. If the person applying for the execution fails to comply with the order of the Court, the Court shall issue an order dismissing the application for execution proceedings. With respect to the money or guarantee furnished with the Court, if the Court finds that it is no longer necessary, it may order the return or termination of such guarantee. The order of the Court under this paragraph shall be final.

In case of paragraph three, if an injury from the execution is caused by a fault or negligence of the person applying for the execution, the injured person may, within thirty days from the date of the execution proceedings, submit a motion to the Court for an order compelling the person applying for the execution to pay a compensation for the injury suffered by him or her. In this case, the Court shall have the power to separate the trial thereof from the original case. Once the Court finds, after an inquiry, that such motion is admissible, the Court shall issue an order compelling the person applying for the execution to pay a compensation in an amount deemed appropriate by the Court. If such person fails to comply

with the order of the Court, the injured person may request the Court to carry out an execution against such person as if he or she were a judgment debtor.

## Part 5

### Application for the Court's Inquiry Concerning Businesses and Properties of a Judgment Debtor

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**Section 277.** In an execution, if a judgment creditor has reasonable grounds to believe that the judgment debtor has more properties subject to execution than those known to him or her, or has properties subject to execution but the location where the properties are located or maintained is unknown, or has reasonable grounds to suspect whether any particular property belongs to the judgment debtor, the judgment creditor may submit an *ex parte* application, in the form of a motion, to the Court for conducting an inquiry.

Upon receiving an application under paragraph one or when the Court deems appropriate in the interest of the execution in a petty case, the Court has the power to issue a summons to call the judgment debtor or other person believed to be in a position to give helpful statements to appear in Court in person for such inquiry, and has the power to order such person to furnish any document or material evidence under his or her possession or power which is related to properties of the judgment debtor, in accordance with any requirement and condition as it deems appropriate.

## Part 6

### General Powers of an Executing Officer

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**Section 278.** Once the Court issues a writ of execution appointing an executing officer, the executing officer shall have the power as a court official to carry out the execution as prescribed by the Court in the writ of execution and in accordance with Title 2 of this Book, and may request assistance from the judgment creditor. An order of an executing officer issued in the course of the execution must also contain or state the reasons.

The executing officer shall have the power as a representative of the judgment creditor to accept the performance of an obligation or a property furnished by the judgment debtor or a third person, and to issue a receipt therefor.

Money deposited by the judgment debtor or third person which is not resulted from a seizure or an attachment shall be paid for the debt to the judgment debtor who applies for the execution; however, in the case where there have already been creditors applying for the distribution under section 326 at the time such money is deposited, such

money shall be deemed money seized or attached under the provisions of Title 2 of this Book, but the execution costs shall be exempted.

The executing officer shall keep records of all execution measures adopted and maintain them in safe custody, and shall periodically submit a report thereon to the Court.

In the performance of duties of an executing officer, the executing officer may entrust other person to perform the duties on his or her behalf, in accordance with the qualifications, rules, procedures and conditions prescribed by a Ministerial Regulation.

The executing officer's fee shall be deducted in accordance with Table 5 annexed to this Code for the Legal Execution Department to pay as a remuneration of the person entrusted under paragraph five without having to be remitted to the Treasury as revenue, provided that this shall be as prescribed by the Minister of Justice upon approval of the Ministry of Finance.

**Section 279.** The executing officer shall maintain in safe custody the money, properties and documents obtained under his or her powers and duties, and shall have the power to prevent any person from unlawfully interfering with such money, property or document, and shall also have the power to follow and recover such money, property or document from any person not entitled to detain it.

In acting under paragraph one, if necessary, the executing officer has the power to request assistance from an administrative official or a police officer. In such case, the administrative official or police officer has the power to arrest and detain the person interfering or the person not entitled to detain under paragraph one, insofar as it is necessary for the performance of duties of the executing officer.

**Section 280.** The executing officer shall have the power to deliver documents relating to the execution of judgments and orders in accordance with the provisions of Title 2 of this Book, and the report on delivery of such document shall also be included in the execution file. The provisions of section 68, section 73, section 74, section 76, section 77, section 78 and section 80 shall apply *mutatis mutandis*.

Except for the delivery of documents under paragraph one, the executing officer shall have the power to order the delivery via *avis-de-réception* registered mail service or via domestic express mail service, and the person having the duty of delivery shall be responsible for the cost thereof. In such case, it shall be deemed that the document delivered by a postal officer has the same effect as it is delivered by the executing officer, and the provisions of section 74, section 76 and section 77 shall apply *mutatis mutandis*.

If the delivery of documents cannot be made as provided by paragraph one and paragraph two, the executing officer has the power to order the delivery by other means,

i.e., posting the document in a conspicuous place at the domicile or office of the person whose name is specified on the document, or entrusting the document with an administrative official or a police officer and then posting a notice on the entrustment, or making an advertisement, or adopting any other mean deemed appropriate, provided that this shall be applicable only after the expiration of fifteen days or a longer period of time reasonably fixed by the executing officer from the date on which the document or the notice of entrustment is posted, or the advertisement or such other mean ordered by the executing officer is made or initiated.

With respect to the delivery of documents to a party and a third person at his or her domicile outside the Kingdom, if no international agreement to which Thailand is a party provides otherwise, the executing officer has the power to order the delivery via international express mail service or via international courier service or through the Ministry of Justice and the Ministry of Foreign Affairs. In the case where the delivery cannot be made due to the reason that the domicile and office of such person is unascertained or due to any other reason, or where the delivery is made to the party or third person but the result thereof is unknown, if the executing officer deems appropriate, he or she shall have the power to order the delivery via other means in lieu thereof, i.e., posting the document in a conspicuous place at the office of the executing officer, or making an advertisement, or adopting any other mean deemed appropriate.

**Section 281.** The executing officer shall carry out the execution on ordinary working days during the period between sunrise and sunset. If the execution is not complete and it is necessary and proper, the execution may continue during the time after sunset.

In the case where it is necessary and proper, the Court may grant permission that the execution be carried out on the day which is not an ordinary working day or during the time after sunset.

In carrying out the execution against a judgment debtor, the executing officer shall produce the writ of execution to the judgment debtor, or the person who possesses or maintains the property subject to the execution. If such person is not present or the writ of execution cannot be produced to such person owing to any reason, the executing officer shall post a copy of the writ of execution in a conspicuous place at the place where the execution is carried out; in such case, it shall be deemed that the writ of execution has been produced to such person.

**Section 282.** In the case where there are reasonable grounds to believe that a property of the judgment debtor or a book of account, document, letter or any other object relating to a property or business of the judgment debtor is in a place that the judgment debtor possesses or jointly possesses with another person, the executing officer shall have

the power to search such place, and have the power to inspect and seize for inspection the book of account, document, letter or any other object relating to the property or business of the judgment debtor, and also have the power to carry out any act necessary to open such place as well as a safe, a cabinet or other storages.

**Section 283.** In the case where there are reasonable grounds to believe that a property of the judgment debtor or a book of account, document, letter or any other object relating to a property or business of the judgment debtor is in a particular place possessed by other persons, the judgment creditor may submit an *ex parte* application, in the form of a motion, to the Court for the issuance of a search warrant for such place. Upon receiving such application, the Court shall conduct an inquiry without delay. If the Court is satisfied by the evidence adduced by the judgment creditor or called by it that there are reasonable grounds to so believe, the Court shall have the competence to issue a search warrant with respect to such place for the executing officer to inspect and seize the properties or articles within the scope and under the conditions as the Court deems necessary. If the Court issues an order dismissing such application, such order shall be final.

**Section 284.** The executing officer shall have the power to act to the extent necessary and proper to the circumstances for the achievement of the execution. In the case where there is an obstruction caused by a person or there are reasonable grounds to believe that there will be an obstruction caused by a person, the executing officer has the power to inform an administrative official or a police officer for assistance. In this regard, the administrative official or the police officer shall have the power to arrest and detain the person causing the obstruction insofar as it is necessary to the performance of duties of the executing officer.

**Section 285.** The liability for wrongful acts under the Civil and Commercial Code to the judgment debtor or a third person for the injury resulted from or incidental to the seizure, attachment or sale of properties which is wrongful or unnecessary for the purpose of execution, or a wrongful execution in other cases, shall not be borne by the executing officer, but shall be borne by the judgment creditor, unless the executing officer acts in contravention with the provisions of this Code.

In the case where the liability shall be borne by the executing officer under paragraph one and it is the matter of a liability for wrongful acts of an official in the course of his or her performance of duties, the exercise of right to institute an action under the law on liability for wrongful acts of officials or other laws by any person shall be under the jurisdiction of the Court of Justice.

If the executing officer fails to seize a property required to be seized or attach a claim required to be attached, or fails to sell the property, or fails to carry out the execution in other cases, or fails to perform such act within a reasonable period of time, owing to his or her intention, carelessness, or collusion with the judgment debtor, resulting in an injury to the judgment creditor, the provisions of paragraph two shall apply *mutatis mutandis*.

**Section 286.** In the case where the law provides that the provisions of the Civil Procedure Code shall apply *mutatis mutandis* to the execution of a judgment or an order of other court other than the Court of Justice, the term “Court of Justice” under section 285 paragraph two shall mean such court.

## Part 7

### Persons Interested in the Execution

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**Section 287.** Persons interested in the execution are the following:

(1) a judgment creditor and a judgment debtor, provided that in the case where there is an attachment of a claim, they shall also include a debtor of the claim, a holder of the claim and a transferee of the claim;

(2) a person who has a real right over or has his or her right registered with respect to a property subject to the execution;

(3) a person submitting a request under section 323, section 324, section 326 and section 329 in relation to a property or a claim subject to the execution;

(4) a person who is a co-owner of or a person who has a preferential right, a right of retention or other rights under section 322 in relation to a property or claim subject to the execution;

(5) any other person who shall suffer an injury owing to the such execution proceedings.

**Section 288.** In addition to other rights provided in this Code, an interested person in the execution shall have the following rights:

(1) to observe the execution proceedings with which he or she has interest, provided, however, that he or she must not act to prevent or obstruct the execution, and to make a bid or to find another person to make a bid in the sale at public auction;

(2) to request for permission to inspect or copy all or any of the documents in connection with the execution, or to request the executing officer to copy or certify a copy of such documents, upon payment of fees specified in Table 2 annexed to this Code.

**Part 8**  
**Stay of Execution**

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**Section 289.** The executing officer shall stay the execution in the following cases:

(1) The Court issues an order to stay the execution on the grounds that an application for a new trial is submitted and the executing officer is informed under the provisions of section 199 *quinquies* paragraph one or section 207.

In such case, if the judgment creditor submits a motion that he or she may suffer an injury as a result of the submission of such application and there is *prima facie* evidence that such application is ungrounded and submitted to delay the execution, the Court has the power to order the judgment debtor to deposit a sum of money or furnish a guarantee as it deems appropriate within the period of time to be fixed by the Court, to be a guarantee for the payment of a compensation to the judgment creditor for the injury that he or she may suffer as a result of the delay of the execution owing to the submission of such application, or determine any provisional measure of protection as it deems appropriate. If the judgment debtor fails to comply with the order of the Court, the Court shall order the annulment of the order staying the execution.

(2) The Court issues an order to stay the execution and delivers such order to the executing officer. In this case, the executing officer shall stay the execution for the period of time and under the conditions prescribed by the Court.

(3) The judgment creditor notifies the executing officer in writing that he or she agrees to stay the execution for a specified period of time and under a certain condition, provided that consent in writing from the judgment debtor and third persons who are persons interested in the execution is obtained.

(4) The judgment creditor who applies for the execution fails to comply with section 154.

The executing officer shall deliver a notice on the stay of execution to the judgment creditor and a third person who is an interested person without delay, except where the execution is stayed upon the application of such person.

**Section 290.** The judgment debtor may submit a motion to the Court for stay of the execution on the grounds that he or she has brought an action against the judgment creditor on another matter at the same court but the Court has not yet rendered a decision thereon, and if he or she wins, there will be no need to seize, attach, sell at public auction or realize by any other mean a property of the judgment debtor, as the set-off can be made.

If the Court finds that the allegation of the judgment debtor is well-grounded, it may issue an order to stay the execution. Such order may or may not be subject to any condition or time, and the Court may issue an order for the judgment debtor to deposit a sum of money or furnish a guarantee with the Court in an amount it deems appropriate and within the specified time period, to be a guarantee for the payment of judgment debts and for the payment of a compensation to the judgment creditor for the injury that he or she may suffer as a result of the delay of the execution caused by the submission of such motion.

The order of the Court under this section shall be final.

**Section 291.** In the case where the executing officer stays the execution in accordance with the order of the Court, he or she shall resume the execution upon receiving an order from the Court. The Court may issue such order of its own accord or the judgment creditor may submit an application to the Court for the issuance of such order on the grounds that the time period for staying the execution has lapsed, or the conditions specified by the Court have not been complied with, or the Court of Appeal or the Supreme Court has rendered a confirming judgment, or it is no longer necessary to stay the execution.

In the case where the executing officer stays the execution in accordance with section 289 (3) or (4), he or she shall resume the execution when the time period for staying the execution has lapsed, or the conditions specified by the judgment creditor are not complied with, or the judgment creditor applying for the execution has complied with section 154.

## Part 9

### Termination of Execution

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**Section 292.** The executing officer shall terminate the execution in the following cases:

(1) The Court issues an order to terminate the execution on the grounds that the judgment debtor submit an appeal or a *dika* appeal, and has deposited a sum of money with the Court in an amount sufficient to pay for the judgment debt as well as the costs and execution costs, or has furnished a guarantee for such amount to the satisfaction of the Court;

(2) The Court issues an order to terminate the execution on the grounds that the judgment in the course of the execution is reversed or dismissed, or the writ of execution is set aside; however, if the judgment in the course of the execution is only partially reversed, the execution may continue to be carried out until the money collected is sufficient to pay the debt owed to the judgment creditor;



(3) The Court notifies the executing officer that the Court has issued an order granting a new trial of the case under section 199 *quinquies* paragraph three or section 207;

(4) The Court issues an order to terminate the execution under section 293;

(5) The judgment debtor deposits a sum of money with the executing officer for the payment of judgment debt as well as the costs and execution costs;

(6) The judgment creditor notifies the executing officer in writing that he or she renounces the right to the execution; in such case, the judgment creditor shall no longer be able to carry out the execution against the judgment debtor on the grounds of such debt;

(7) The judgment creditor notifies the executing officer in writing that he or she shall terminate the execution.

**Section 293.** If the judgment creditor neglects to carry out the execution within the period of time fixed by the executing officer, the executing officer shall submit a report to the Court for ordering the termination of such execution.

**Section 294.** In case where there is a seizure of a property other than money, or where money is seized or attached or a property is attached but there is no sale or realization thereof due to the reason that the executing officer terminates the execution of his or her own accord or upon order of the Court, and the person applying for the seizure or attachment fails to pay the execution costs, the executing officer shall submit a report to the Court for carrying out the execution against a property of such person in order to pay the execution costs. In such case, it shall be deemed that the executing officer is a judgment creditor and the person applying for the seizure or attachment is a judgment debtor with respect to such execution costs. The executing officer may himself or herself carry out the execution with the exemption of all fees.

## Part 10

### Annulment or Rectification of Irregular Execution Proceedings

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**Section 295.** In the case where a decree, writ of execution or order of the Court issued in the course of the execution is defective, erroneous or unlawful, and it is necessary in the interest of justice to annul or rectify such decree, writ of execution or order, if the Court deems appropriate at any time prior to the completion of the execution, or the executing officer submits a report to the Court, or the judgment creditor, the judgment debtor or a third person having interest in the execution who suffers an injury as a result thereof submits a motion to the Court, the Court shall have the power to order the annulment or

rectification of such decree, writ of execution or order, in whole or in part, or to issue any order as it deems appropriate.

Subject to section 331 paragraph three, in the case where the executing officer carries out the execution in a defective, erroneous or unlawful manner, if the Court deems appropriate at any time prior to the completion of the execution, or the judgment creditor, the judgment debtor or a third person having interest in the execution who suffers an injury as a result thereof submits a motion to the Court, the Court shall have the power to order the annulment or rectification of the entire execution proceedings or any particular enforcement measure, or to issue an order determining any measure for the executing officer as it deems appropriate.

The submission of a motion under paragraph one or paragraph two may be made at any time prior to the completion of the execution but no later than fifteen days from the date on which the information or circumstances upon which the allegation is grounded is known, provided that the person submitting the motion has not taken any new step after the defect, error or unlawfulness is known, nor has he or she otherwise ratified such act. In this case, the person submitting the motion may, at the same occasion, apply to the Court for ordering the stay of the execution pending the decision.

For the purpose of this section, the execution is deemed complete upon the following:

(1) In the case where a decree requires delivery of a property, performance of or forbearance from an act, it shall be deemed complete when the decree has been complied with by delivering such property, performing such act or forbearing from such act; however, in the case where the act of compliance with such decree can be divided into several parts, once any part of such act is performed, the execution shall be deemed complete with respect to such part.

(2) In the case where a decree requires payment of money, it shall be deemed complete when the executing officer has paid a sum of money in accordance with section 339, section 340, section 342, section 343 or section 344, as the case may be; however, in the case where there are several properties subject to the execution, once the executing officer has paid the sum of money received from sale at public auction of any particular property, the execution shall be deemed complete only with respect to that particular property.

In submitting a motion to the Court under paragraph one or paragraph two, if there is *prima facie* evidence that such motion is ungrounded and submitted for dilatory purposes, the Court has the power to order the person submitting the motion to deposit a sum of money or furnish a guarantee with the Court in an amount and within the period of time as the Court deems appropriate, to be a guarantee for the payment of a compensation to the judgment creditor or such person for the injury that may be caused as a result of the submission of the motion. If the person submitting the motion fails to comply with the order

of the Court, the Court may order the return or termination of the guarantee. The order of the Court issued in accordance with the provisions of this paragraph shall be final.

In the case where the Court issues an order dismissing the motion submitted under paragraph one or paragraph two, if the person injured as a result of the submission of such motion is of the opinion that such motion is ungrounded and submitted for dilatory purposes, such person may, within thirty days from the date of issuance of the dismissal order, submit a motion to the Court for ordering the person submitting such motion to pay a compensation. In this case, the Court shall have the power to separate the trial thereof from the original case. Once the Court finds, after an inquiry, that such motion is admissible, the Court shall issue an order compelling the person submitting the motion to pay a compensation to such injured person in an amount deemed appropriate by the Court. If the person submitting the motion fails to comply with the order of the Court, the injured person may request the Court to carry out an execution against the person submitting the motion as if he or she were a judgment debtor.

## CHAPTER II EXECUTION IN CASES OF MONEY DEBT

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### Part 1 Powers of an Executing Officer

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**Section 296.** In the case where a judgment or order of the Court requires the payment of a sum of money, the executing officer shall have the power to carry out the execution by adopting the following measures:

- (1) seizure of a property of the judgment debtor;
- (2) attachment of a claim of the judgment debtor to demand payment of money or delivery or transfer of a property by a third person;
- (3) attachment of a claim of the judgment debtor to demand performance of an obligation other than that mentioned in (2) by a third person;
- (4) sale at public auction or realization by any other mean of a property obtained from the seizure or attachment or of a claim so attached.

In the case where a property of a judgment debtor cannot yet be seized or a claim of a judgment debtor cannot yet be attached due to any certain impediment that prevents a prompt seizure or attachment, upon the opinion of the executing officer's own accord or upon request by the judgment creditor, the executing officer shall have the power to order the temporary prohibition of transfer, sale, removal or disposal of the property or

claim by the judgment debtor as necessary. If such property or claim relates to a third person, the executing officer shall inform the relevant persons of such prohibition order. If such property or claim requires registration or has already been registered under the law, the executing officer shall inform the registrar or the competent official who has the power and duty on the registration under the law on such matter of such prohibition order. If the registration has already been made, the registrar or the competent official shall record the order of the executing officer on the register, and the provisions of section 315 (1) and section 320 (1) and (2) shall apply *mutatis mutandis*. In the case where there are reasonable grounds, the executing officer may issue an order to revoke or modify such order, in respect of which the provisions of section 261 and section 262 shall apply *mutatis mutandis*.

In the case where the impediment is removed, or it is no longer necessary to carry out the execution, or the judgment creditor neglects to perform a certain act specified by the executing officer, the executing officer shall notify the relevant persons of the revocation of such prohibition order.

**Section 297.** The executing officer shall have the power to carry out the execution against the following properties in a same manner as provided in section 296:

(1) common marital properties of a judgment debtor, only where the judgment debtor and his or her spouse are joint debtors under section 1490 of the Civil and Commercial Code, or properties of the spouse of the judgment debtor against which an execution is allowed to be enforced for payment of judgment debt under the law;

(2) properties of other person against which an execution is allowed to be enforced for payment of judgment debt under the law.

The provisions of Title 2 of this Book regarding the execution against properties of a judgment debtor shall apply to the execution of properties of the persons under this section *mutatis mutandis*.

**Section 298.** In the case where a property or a claim alleged by the judgment creditor to belong to the judgment debtor is under the name of and owned by another person according to the register or belongs to another person according to other evidence, if the executing officer suspects that the property or claim does not belong to the judgment debtor and does not seize or attach it, but the judgment creditor insists on the seizure or attachment thereof, the executing officer may seize such property or attach such claim, or may issue the order to stay the seizure or attachment. In the case of ordering the stay, the executing officer shall order the prohibition of transfer, sale, removal, disposal, destruction, impairment of or change of the right in such property or claim.

The prohibition order of the executing officer under paragraph one shall come into force with immediate effect. The executing officer shall expeditiously inform the judgment

debtor and the person who owns the property or claim as appeared on the register or other evidence, of the prohibition order. In the case where such property requires registration or has already been registered under the law, the executing officer shall also inform the registrar or the competent official who has the power and duty on the registration under the law on such matter of such prohibition order. If the registration has already been made, the registrar or the competent official shall record the order of the executing officer on the register, and the provisions of section 315 (1) and section 320 (1) shall apply *mutatis mutandis*.

The judgment creditor may, within fifteen days from the date the executing officer issues the order to stay the seizure or attachment under paragraph one, submit a motion to the Court for an order of the Court directing the executing officer to seize the property or attach the claim. In such case, the Court shall deliver a copy of the motion to the executing officer and the person who owns the property or claim as appeared on the register or other evidence. Such person may object that the property or claim does not belong to the judgment debtor by submitting an objection to the Court within fifteen days from the date of receipt of a copy of the motion, and the provisions of section 323 or section 325, as the case may be, shall apply *mutatis mutandis*, provided that if the Court has already issued an order to seize the property or to attach the claim, the person submitting the objection under this paragraph may not exercise the right under section 323 or section 325, as the case may be.

In the case where the judgment creditor does not submit the motion within the time period under paragraph three or the Court issues an order dismissing such motion, or where the Court issues an order granting the motion under paragraph three but the judgment creditor fails to carry out the execution against such property or claim within fifteen days from the date of issuance of the order of the Court, the prohibition order under paragraph one shall be revoked and the executing officer shall inform the persons under paragraph two of the revocation of such prohibition order.

**Section 299.** In the case where the executing officer issues the prohibition order under section 298 paragraph one, the person who owns the property or claim as appeared on the register or other evidence or a person who has interest in such property or claim may request the executing officer to annul such prohibition order by depositing a sum of money or furnishing a guarantee in place of the property or claim. If the executing officer is satisfied with the money or guarantee, he or she shall annul such prohibition order and accept the money or guarantee.

In the case where the executing officer does not annul the prohibition order under paragraph one, the applicant may, within fifteen days from the date the order of the executing officer is notified, submit a motion to the Court for annulment of the prohibition order by either depositing a sum of money or furnishing a guarantee. The Court shall deliver

a copy of the motion to the executing officer and the judgment debtor in order to conduct an inquiry as a matter of urgency. The order of the Court shall be final.

In the case where the Court issues an order to seize a property or attach a claim under section 298 paragraph three, if the property cannot be seized or the claim cannot be attached but a sum of money is deposited or a guarantee is furnished in place of such property or claim, the judgment creditor may apply to the Court for carrying out the execution against the money or guarantee so received or against the guarantor without having to institute a new legal action.

In the case where the judgment creditor does not submit the motion or the Court issues an order dismissing the motion under section 298 paragraph three, the executing officer shall return the money or guarantee received to the person depositing the money or furnishing the guarantee, or terminate the guarantee.

**Section 300.** Unless otherwise provided by law or order of the Court, the executing officer shall not seize properties or attach claims of the judgment debtor, nor shall he or she subject the properties or claims so seized or attached to sale at public auction or realization by any other mean, in excess of what is sufficient to secure the performance of obligations, as well as payment of costs and execution costs for the judgment creditor.

In the case where it is necessary to seize any property or attach any claim the value of which is higher than what is sufficient to secure performance of obligations for the judgment creditor, if such property or claim, by its nature, can be separately seized or attached without causing any damage thereto, the executing officer shall have the power to separately seize or attach any certain part of the property or claim or its ownership, to the extent of which is sufficient to secure the performance of obligations, as well as payment of costs and execution costs for the judgment creditor.

The person interested in the execution may object to the order or act under paragraph one or paragraph two of the executing officer, by submitting an objection to the Court before the date of sale at public auction or realization by any other mean but no later than fifteen days from the date on which the order or act is known. The order of the Court shall be final.

## Part 2

### Properties Not Liable to Execution

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**Section 301.** The following properties of a judgment debtor shall not be liable to execution:

(1) apparel and bedding requisites, household equipment or personal equipment, the approximate value of which does not exceed twenty thousand baht in aggregate for each category, provided however that if the executing officer deems appropriate, he or she may determine that any such category of properties whose value exceeds twenty thousand baht in aggregate shall be properties not liable to execution, taking into account the need according to the status of the judgment debtor;

(2) animals, items, tools and equipment necessary for the engagement of occupation or profession for the subsistence of the judgment debtor, the approximate value of which does not exceed one hundred thousand baht, provided however that if it is necessary for the subsistence of the judgment debtor, the judgment debtor may request the executing officer for permission to use animals, items, tools or equipment to the extent necessary for the engagement of occupation or profession in his or her business whose value in aggregate exceeds such prescribed sum, and in such case, the executing officer shall have the power to exercise his or her discretion to refuse or to grant the permission to the extent of necessity and subject to the conditions deemed appropriate by him or her;

(3) animals, items, tools and equipment necessary to aid or substitute the functions of an organ of the judgment debtor;

(4) properties of the judgment debtor which by their nature are genuinely personal, such as books specifically owned by his or her family, letters or books of account;

(5) any property which is non-transferable or is not liable to execution under the law.

With respect to the property or value of property determined by the executing officer under paragraph one, the judgment debtor or judgment creditor may request the executing officer to issue an order for the redetermination thereof. The judgment debtor or judgment creditor may submit to the Court a motion to object the aforesaid order of the executing officer within fifteen days from the date such order is known. In such case, the Court shall issue an order as it deems appropriate.

In case of change of circumstances, the judgment debtor or judgment creditor may submit a motion to the Court for issuing an order to change the property or value of property previously determined by the Court.

The benefit of exemption provided in this section shall be extended to properties under paragraph one which belong to the spouse of the judgment debtor or other person whose properties may be subject to enforcement for the payment of judgment debt under the law.

**Section 302.** Subject to provisions of other laws, the following money or money claims of a judgment debtor shall not be liable to execution:

(1) subsistence allowance prescribed by law, and incomes given by a third person on a periodic basis for subsistence purposes in an amount not exceeding twenty thousand baht per month or the amount deemed appropriate by the executing officer;

(2) salary, wages, pensions, gratuities, military pensions or other incomes of the same nature of a government official, officer or employee of a government agency, and subvention, pensions or gratuities paid by a government agency to the surviving spouse or relative of such person;

(3) salary, wages, pensions, reimbursements, subvention or other incomes of the same nature of a staff member, employee or worker other than those stated in (2) which the employer or other person pays to such person or his or her surviving spouse or relative in an amount not exceeding twenty thousand baht per month in total or the amount deemed appropriate by the executing officer;

(4) gratuities or recompense or other incomes of the same nature of a person under (3) in an amount not exceeding three hundred thousand baht or the amount deemed appropriate by the executing officer;

(5) funeral aid received by a judgment debtor due to the death of another person in the amount necessary to hold a funeral according to the status of the deceased as deemed appropriate by the executing officer.

In the case where an executing officer determines the amount of money under (1), (3) and (4), such executing officer shall also have regard to the family status of the judgment debtor and number of ascendants and descendants to whom the judgment debtor gives support. In cases under (1) and (3), the amount determined by the executing officer shall be not less than the minimum salary rate of civil government officials at that time, and not more than the maximum salary rate of civil government officials at that time.

If the judgment creditor, the judgment debtor or a third person who has interest in the execution does not concur with the amount of money determined by the executing officer, such person may, within fifteen days from the date on which he or she knows of the determination of such amount, submit a motion to the Court for redetermination of the amount of money.

In the case where subsistence circumstances of the judgment debtor change, the person under paragraph three may submit a motion to the Court or the executing officer, as the case may be, for redetermination of the amount of money under (1) and (3).

### Part 3

#### Seizure of Properties

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**Section 303.** In seizing a corporeal movable property of a judgment debtor, the executing officer shall carry out the seizure by taking the following actions:

(1) placing such property in his or her custody or depositing such property at any place or with any person deemed appropriate, or entrusting such property to the judgment debtor for preservation upon consent of the judgment creditor;

(2) notifying the list of the properties seized to the judgment debtor and the person who possesses or maintains such property, provided that if the notification cannot be made, the list of the properties seized shall be posted at the place of seizure, or the notification shall be made by any other mean deemed appropriate by the executing officer;

(3) expressly making known that such property has been seized by sealing a seal or by any other mean deemed appropriate by the executing officer.

**Section 304.** In seizing a vessel, a floating house, a beast of burden or other corporeal movable properties of a judgment debtor which require registration of ownership or have been registered under the law, the executing officer shall carry out the seizure by taking the following actions:

(1) acting in accordance with the procedure provided in section 303;

(2) notifying the registrar or the competent official who has the power and duty on the registration under the law on such matter; If the ownership registration has already been made, the registrar or the competent official shall record the seizure on the register.

**Section 305.** In seizing securities under the law on securities and exchange of a judgment debtor, the executing officer shall carry out the seizure by taking the following actions:

(1) In the case where the instrument has not yet been issued, the executing officer shall notify the list and number of the securities seized to the judgment debtor and securities issuer, and upon the completion of the seizure of such securities, the executing officer shall order the securities issuer to deliver the instrument to the executing officer.

(2) In the case where the instrument has already been issued, the executing officer shall notify the list and number of the securities seized to the judgment debtor, the securities issuer and the known securities possessor, as well as persons obliged to perform an obligation under such instrument, and upon the completion of the seizure of such securities, the executing officer shall place such instrument in his or her custody, if feasible.

(3) In case of securities deposited with the Securities Depository Centre under the law on securities and exchange, the executing officer shall notify the list and number of the securities seized to the judgment debtor, the securities issuer, the securities depositor and the Securities Depository Centre under the law on securities and exchange, for complying with the notification of the executing officer.

(4) In case of securities the instruments of which are not required to be issued, the executing officer shall notify the list and number of the securities seized to the judgment debtor and the securities issuer for complying with the notification of the executing officer.

In the case where the notification cannot be made to the persons under paragraph one, the list and number of the securities seized shall be posted in a conspicuous place at the domicile or office of such person or notified by any other mean deemed appropriate by the executing officer, and shall be applicable from the time such notification is posted or such other mean of notification deemed appropriate by the executing officer is carried out or initiated.

**Section 306.** In seizing a bill or any other negotiable instrument of a judgment debtor, the provisions of section 305 paragraph one (2) and paragraph two shall apply *mutatis mutandis*, and it shall also have effect of an attachment of claims under such bill or instrument.

In the case where it is deemed appropriate, the executing officer may submit a motion to the Court for issuance of an order granting permission for disposal of such bill or instrument at the price as appeared on such bill or instrument or at a lower price as the Court deems appropriate. If the Court orders the dismissal of the motion, the bill or instrument shall be sold at public auction.

**Section 307.** In seizing shares of a judgment debtor who is a limited partner in a limited partnership or a shareholder in a limited company, the executing officer shall carry out the seizure by taking the following actions:

(1) notifying the seizure to the judgment debtor and the limited partnership or limited company in which the judgment debtor is a partner or shareholder, provided that if the notification cannot be made, the proceedings provided in section 305 paragraph two shall be taken;

(2) notifying the Registrar of Partnerships and Companies to record the seizure on the register.

**Section 308.** In seizing judgment debtor's patent rights, trademark rights or other rights of the similar nature or related to such rights which have already been registered or listed, the executing officer shall carry out the seizure by taking the following actions:

(1) notifying the list of the rights seized to the judgment debtor, provided that if the notification cannot be made, the proceedings provided in section 305 paragraph two shall be taken;

(2) notifying the registrar or the competent official who has the power and duty on the registration under the law on such matter to record the seizure on the register.

**Section 309.** In seizing judgment debtor's rights in unregistered trademark, copyrights, rights to apply for a patent, rights in tradename or brand or other rights of similar nature or related to such right, the executing officer shall carry out the seizure by notifying the list of the rights seized to the judgment debtor. If the notification cannot be made, the proceedings provided in section 305 paragraph two shall be taken.

**Section 310.** In seizing a judgment debtor's right to hire a property or right to services which are susceptible of having a value and of being appropriated, e.g. telephone and telecommunication services or any other service which may be received from a property or service of other persons, the executing officer shall carry out the seizure by taking the following actions:

(1) notifying the list of the rights seized to the judgment debtor and the letter or service provider, as the case may be, provided that if the notification cannot be made, the proceedings provided in section 305 paragraph two shall be taken;

(2) if such hire of property or provision of service is registered, notifying the registrar or the competent official who has the power and duty under the law on such matter to record the seizure on the register.

**Section 311.** In seizing judgment debtor's rights under a license, *prathanabat*<sup>2</sup>, *atchayabat*<sup>3</sup>, concession or other rights of similar nature or related to such right, the executing officer shall carry out the seizure by taking the following actions:

(1) notifying the list of the rights seized to the judgment debtor, provided that if the notification cannot be made, the proceedings provided in section 305 paragraph two shall be taken;

(2) notifying the registrar or the competent official who has the power and duty under the law on such matter to record the seizure on the register.

**Section 312.** In seizing an immovable property of a judgment debtor, the executing officer shall carry out the seizure by taking the following actions:

(1) placing the certificate of such property in his or her custody or depositing such certificate with any person deemed appropriate, unless the certificate of such property has not yet been issued or cannot be obtained;

(2) expressly making known that such property has been seized by posting a notice on such property;

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<sup>2</sup> Translator's Note: *prathanabat* normally refers to a mining license under the law on minerals.

<sup>3</sup> Translator's Note: *atchayabat* normally refers to a prospecting license under the law on minerals.

(3) notifying the list of properties seized to the following persons:

(a) judgment debtor;

(b) other person whose name is indicated on the register as an owner of such property;

(c) land official or competent official who has the power and duty to register rights and juristic acts in relation to such property; if such property is on the register, the land official or competent official shall record the seizure on the register.

In the case where the notification cannot be made under paragraph one (3) (a) or (b), the list of the properties seized shall be posted in a conspicuous place at the domicile or office of such person or notified by any other mean deemed appropriate by the executing officer, and shall be applicable from the time such notification is posted or such other mean of notification deemed appropriate by the executing officer is carried out or initiated.

Upon notifying the judgment debtor and the land official or competent official who has the power and duty to register rights and juristic acts in relation to such property, it shall be deemed seizure in accordance with the law.

**Section 313.** In seizing real rights related to an immovable property, the executing officer shall carry out the seizure by taking the actions provided in section 312 *mutatis mutandis*.

**Section 314.** The seizure of a corporeal movable property of a judgment debtor shall also have an effect of seizing the natural fruits and legal fruits of such property.

The seizure of an immovable property of a judgment debtor shall also have an effect of seizing the following:

(1) accessories and legal fruits of such property;

(2) natural fruits of such property which the judgment debtor has the right to reap, provided that the executing officer has notified or posted a notice on the seizure of the fruits for knowledge of the judgment debtor and the person who possesses or maintains such property at the time of seizure.

**Section 315.** A seizure of properties of a judgment debtor shall have the following effects:

(1) An act done by the judgment debtor to create, transfer or modify the right in the property subject to seizure after the seizure is carried out shall not be set up against the judgment creditor or executing officer, even when the value of such property exceeds the amount of the judgment debt as well as the costs and execution costs, and the judgment debtor carries out such act only with respect to the part of the seized property in excess of such amount.

(2) If the judgment debtor is entrusted to preserve the seized property, the judgment debtor is entitled to reasonably use the aforesaid property. However, if the executing officer is of the opinion that the judgment debtor may cause damage to the property or the property may be damaged, the executing officer, of his or her own accord or upon request of the judgment creditor or a person who has interest in the execution against such property, may place such property in his or her custody or appoint any person to preserve the property.

#### Part 4 Attachment of Claims

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**Section 316.** In attaching a claim of a judgment debtor to demand a third person for payment of money or delivery or transfer of a property, or to demand a third person for performance of an obligation other than payment of money or delivery or transfer of a property, the Court or executing officer shall carry out the attachment by issuing an attachment order and notify such order to the judgment debtor and the third person.

The attachment order under paragraph one must contain a prohibition which prohibits the judgment debtor from disposing the claim, and contain a prohibition which prohibits the third person from performing such obligation to the judgment debtor, and instead directs the third person to pay the money or deliver or transfer the property or perform such other obligation to the Court, executing officer or other person or directs the person to perform any other act as the Court or the executing officer deems appropriate, at or within the time or under the conditions specified, as the case may be.

Such attachment order may be enforced at any place.

**Section 317.** The attachment under section 316 may be made, irrespective of whether or not the demanded obligation is subject to a dispute, a limitation or a condition, or whether or not its definite amount is fixed.

**Section 318.** An attachment of a judgment debtor's claim for periodic performance of obligations shall also have an effect of attaching the claim of the judgment debtor to the performance of obligations subsequent to such attachment.

**Section 319.** The effect of an attachment of a judgment debtor's claim to which a mortgage or pledge is attached as a guarantee shall also extend to such mortgage or pledge. If such mortgaged property is registered, the executing officer shall notify the

attachment order to the person having the power and duty for making a recordation on the register.

In the case where the mortgagor or the pledger is not a debtor under the claim, upon attachment, the notification shall be made to the mortgagor or the pledger.

**Section 320.** An attachment shall have the following effects:

(1) An act done by the judgment debtor to create a right for a third person over the attached claim, or to transfer, modify or extinguish such claim after the attachment is carried out shall not be set up against the judgment creditor or executing officer, even when the value of such claim exceeds the amount of the judgment debt as well as the costs and execution costs, and the judgment debtor carries out such act only with respect to the part of the attached claim in excess of such amount.

The provisions of paragraph one shall not apply to a mortgagor or pledger who is not a debtor under the claim under section 319 paragraph two, provided that the mortgagor or pledger can prove that the extinguishment of the mortgage or pledge is resulted from his or her act which is *bona fide* and for value, before the notification of attachment is made to the mortgagor or pledger.

(2) If the value of the attached claim is impaired by a fault of the judgment creditor, the judgment creditor shall be liable to pay a compensation to the judgment debtor for any injury caused to the judgment debtor.

(3) The performance of obligations by a third person as specified by the attachment order shall be deemed performance of obligation in accordance with the law.

## Part 5

### Application to the Court to Compel a Third Person to Perform the Obligation in Accordance with the Claim

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**Section 321.** If a third person fails to perform the obligation in compliance with the attachment order of the Court or executing officer under section 316, the executing officer shall inform the judgment creditor. In such case, the judgment creditor may submit a motion to the Court for compelling the third person to perform the obligation in compliance with the order of the executing officer, or to pay a compensation for non-performance of obligation to the executing officer. If, upon inquiry, the Court is satisfied that the claim of the judgment debtor actually exists and is enforceable, it may issue an order to compel the third person to perform the obligation in compliance with the order of the executing officer or to pay a compensation in an amount deemed appropriate. If such third person fails to comply

with the order of the Court, the judgment creditor may submit a motion to the Court for execution against the third person as if he or she were a judgment debtor.

**Part 6**  
**Rights of Third Persons and Persons Interested**  
**in the Property Subject to Execution**

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**Section 322.** Subject to section 323 and section 324, the provisions of this Code governing execution against properties of a judgment debtor shall not affect real rights, preferential rights, rights of retention or other rights that a third person has over the property or may, upon application, enforce against the property in accordance with the law.

**Section 323.** Subject to section 55, if a person alleges that the defendant or judgment debtor is not an owner of the property seized by the executing officer, or that he or she is a co-owner who has ownership or possessory right over the property which is an immovable property properly partitioned for the possession purposes, or that he or she is a co-owner of the property which is a divisible movable property, or he or she has already been in the position to request for the registration of his or her right over such property, such person may, within sixty days from the date the property is seized, submit a request to the Court that issues the writ of execution, for the release of such property in whole or in part or only his or her own part, as the case may be. If the request cannot be submitted within such period of time, such person may submit the request after the expiration of such time period, provided that there are special circumstances and the request is submitted no later than seven days prior to the date fixed by the executing officer to be the first day for sale at public auction or realization by any other mean of such property. However, in the case of *force majeure*, such person may submit a request afterward, but he or she must submit the request before the sale at public auction or realization by any other mean of such property.

In case of a property under section 332, the person making the allegation may submit a request to the Court within sixty days from the date of the seizure of property. If the request cannot be submitted within such time period, such person may submit such request after the expiration of such time period, provided that there are special circumstances, and the request must be submitted before the executing officer pays the proceeds received from the sale of such property to the judgment creditor under section 339, or before the distribution account which shows the amount of proceeds from the sale of such property becomes final under section 340, as the case may be. In this regard, the amount of net proceeds received from the sale shall be deemed as if it were the property applied to be released.

Upon receipt of the request, the Court shall forward a copy of the request to the plaintiff or judgment creditor, the defendant or judgment debtor, and the executing officer. Once the executing officer receives the aforesaid request, if the seized property is not a property under section 332, he or she shall stay the sale at public auction or realization by any other mean of such property pending the decision of the Court. The Court shall try and adjudicate such case as a normal case.

The plaintiff or judgment creditor may submit a motion that such request is ungrounded or submitted to delay the execution. If there is *prima facie* evidence that such motion is admissible, the Court has the power to order the person making the allegation to deposit a sum of money or furnish a guarantee with the Court in an amount and within the period of time as it deems appropriate, to be a guarantee for the payment of a compensation for the injury that may be caused as a result of the submission of the request. If the person making the allegation fails to comply with the order of the Court, the Court shall issue an order to strike the case out of the case list. With respect to the money or guarantee furnished with the Court, if the Court finds that it is no longer necessary, it may order the return or termination of such guarantee. The order of the Court under this paragraph shall be final.

In the case where the Court issues an order dismissing the request submitted under paragraph one or paragraph two, if the plaintiff or judgment creditor who is injured as a result of the submission of such request is of the opinion that such request is ungrounded and submitted to delay the execution, such person may, within thirty days from the date of issuance of the dismissal order, submit a motion to the Court for ordering the person making the allegation to pay a compensation for the injury caused to him or her. In this case, the Court shall have the power to separate the trial thereof from the original case. Once the Court finds, after an inquiry, that such motion is admissible, the Court shall issue an order compelling the person making the allegation to pay a compensation in an amount deemed appropriate by the Court. If the such person fails to comply with the order of the Court, the plaintiff or judgment creditor may request the Court to carry out an execution against such person as if he or she were a judgment debtor.

**Section 324.** Any person who is entitled to the performance of obligations or to a portion of proceeds from the sale at public auction or realization by any other mean of a judgment debtor's property seized by the executing officer by virtue of a real right, preferential right, right of retention or any other right that such person has over the property or may apply for enforcement against such property in accordance with the law, shall proceed as follows:

(1) In case of a mortgagee of the property or a person who has a preferential right over the immovable property which has already been registered, such person may submit



a request to the Court issuing the writ of execution before the sale or realization of such property for any of the following orders:

(a) in the case where the mortgage may be foreclosed, he or she may apply for the foreclosure of such mortgage, and if the Court issues an order granting the foreclosure, the seizure of such mortgaged property shall automatically be annulled;

(b) in other cases, he or she may apply to the executing officer for the payment of the debt owed to him or her out of the proceeds obtained from the sale or realization of such property in preference of other creditors in accordance with the provisions of the Civil and Commercial Code or other laws.

(2) In the case where it appears to the executing officer that the property sold or realized belongs to registered co-owners, the executing officer shall set aside a portion of proceeds belonging to other co-owners other than the judgment debtor from the proceeds obtained from the sale or realization of such property as prescribed by section 340.

(3) In case of a holder of a right of retention who has no preferential right over the property sold or realized, such person may, within fifteen days from the date of sale or realization of such property, submit a request to the Court issuing the writ of execution for the payment of the debt owed to him or her out of the proceeds obtained from the sale or realization of such property in preference of other creditors who have no preferential right over such property.

(4) In cases other than those specified in (1), (2) and (3), the holder of right may, within fifteen days from the date of sale or realization of such property, submit a request to the Court issuing the writ of execution for a portion of proceeds obtained from such sale or realization, or for the payment of the debt owed to him or her out of such proceeds in preference of other creditors, in accordance with the provisions of the Civil and Commercial Code or other laws.

**Section 325.** When an order for attachment of claim is notified to the third person under section 316, such third person may submit a motion objecting to the attachment order to the Court within fifteen days.

A person who shall be injured as a result of the attachment order may submit a motion objecting to such order within the following time limits, provided that it shall not later than fifteen days from the date the attachment order is known:

(1) if such claim is for payment of money, the motion shall be submitted to the Court before the date on which the executing officer pays the proceeds, in whole or in part, to a judgment creditor;

(2) if such claim is for delivery or transfer of a property, the motion shall be submitted to the Court before the sale at public auction or realization by any other mean of such property;

(3) if such claim is for performance of an obligation other than (1) and (2), the motion shall be submitted to the Court before the third person performs the obligation.

Upon receiving the objection motion under paragraph one or paragraph two, the Court shall send a copy of the motion to the judgment creditor, judgment debtor and executing officer, and the executing officer shall stay the enforcement of the attachment order pending the decision of the Court. Upon inquiry, if the Court is satisfied that the claim of the judgment debtor actually exists and is enforceable, it shall dismiss the motion and issue an order compelling the third person to comply with the attachment order, but if it is satisfied that the objection motion is admissible, the Court shall issue an order annulling the attachment of the claim.

Pending the consideration of the objection motion under paragraph three, the judgment creditor may submit a motion that such motion is ungrounded and submitted for dilatory purposes. When there appears a *prima facie* evidence that such motion is admissible, the Court has the power to order the person submitting the objection motion to deposit a sum of money or furnish a guarantee with the Court in an amount and within the time period as it deems appropriate, to be a guarantee for the payment of a compensation to the judgment creditor for the injury that may be caused as a result of the submission of the objection motion. If the person submitting the objection motion fails to comply with the order of the Court, the Court may order the disposal of the objection motion. With respect to the money or guarantee furnished with the Court, if the Court finds that it is no longer necessary, it may order the return or termination of such guarantee.

If the Court issues an order to compel the third person to comply with the attachment order and such person fails to comply therewith, the judgment creditor may request the Court to carry out an execution against such person as if he or she were a judgment debtor.

In the case where the objection motion under paragraph one or paragraph two is ungrounded and submitted to delay the execution, the judgment creditor may, within thirty days from the date on which the Court orders the dismissal of the objection motion, submit to the Court a motion for ordering the person submitting the objection motion to pay a compensation for the injury caused to him or her. In this case, the Court has the power to separate the trial thereof from the original case. Once the Court finds, after an inquiry, that such motion is admissible, the Court shall issue an order compelling the person submitting the objection motion to pay a compensation in an amount the deemed appropriate by the Court. If such person fails to comply with the order of the Court, the judgment creditor may request the Court to carry out an execution against such person as if he or she were a judgment debtor.

**Part 7****Application for Distribution and Continuation of Execution**

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**Section 326.** Once any seizure of property or attachment of claim of a judgment debtor is carried out in order to pay the debt of one judgment creditor, other judgment creditors shall not again carry out a seizure of such property or an attachment or such claim, but shall have the right to submit a motion to the Court issuing the writ of execution for an order allowing him or her to participate in the distribution of such property or the proceeds obtained from the sale or realization of the property so seized or attached in proportion to the amount of the judgment debts.

The Court may not grant such motion, unless the Court finds that the person submitting the motion is unable to be paid from other properties of the judgment debtor.

If an official, who has the power under the law on taxes and duties or other laws in ordering the seizure of properties or attachment of claims of the judgment debtor for the purpose of paying the arrears of debt under the respective law, has already seized a property or attached a claim under paragraph one, he or she shall have the right to apply for participation in the distribution without being subject to the provisions of paragraph two; however, if such official has not yet carried out the seizure or attachment, he or she shall have the right to apply for participation in the distribution in the same manner as other judgment creditors.

In case of seizure of property for the purpose of sale at public auction or realization by any other mean, the aforesaid motion shall be submitted before the expiration of fifteen days from the date of sale at public auction or realization by any other mean of the property sold or realized on such occasion.

In case of attachment of claim, the motion shall be submitted before the expiration of fifteen days from the date of payment of money or the date of sale at public auction or realization by any other mean of the claim so attached.

In case of seizure of money, the aforesaid motion shall be submitted before the expiration of fifteen days from the date of seizure.

Upon delivering a copy of such motion to the executing officer, the executing officer shall refrain from making payment of money or properties under the decree, whether it is a sale, realization or payment of money as attached for such application for distribution, as the case may be, until the Court makes a decision. Once the Court has issued an order thereon and has it delivered to the executing officer, the executing officer shall act in compliance therewith.

**Section 327.** In the case where the execution is terminated, the executing officer shall, without delay, deliver a notice on the termination of execution to the person whose request is granted by the Court under section 324 or the creditor whose application to participate in the distribution is granted under section 326. Such person may apply for continuation of the execution from the creditor who applies for the seizure of property or attachment of claim by submitting a motion to the executing officer within fifteen days from the date the notice is delivered to such person. If there is no person submitting the motion within such time period, the executing officer shall terminate the seizure of property or attachment of claim.

In the case where there are several persons submitting the motion, the executing officer shall issue summonses calling the persons submitting the motion to be present in order to conclude an agreement and elect among themselves one person to be a person carrying out the continued execution, but this must be notified no less than three days in advance. If the agreement cannot be reached, the person submitting the motion who is present in compliance with the summons and to whom the highest amount of debt is owed, shall be the person carrying out the continued execution. If there are several persons submitting the motion to whom the equally highest amount of debt is owed, the person submitting the motion whose debt is the first in time shall be the person carrying out the continued execution. Any person who submits the motion but fails to be present in compliance with the summons shall be deemed to have forfeited the right to be a person carrying out the continued execution.

In case of continuation of execution, the person who applies for continuation of execution shall be deemed a creditor who applies for the seizure of property or the attachment of claim, and the Court which issues the writ of execution in case of termination of execution shall be the Court competent in the execution. In the case where the person carrying out the continued execution is to apply for an execution only against a part of the properties previously subject to execution which is sufficient to pay the debts of all creditors under paragraph one as well as the costs and execution costs, he or she shall submit a request to the executing officer within seven days from the date on which the continued execution is carried out. In such case, the executing officer shall issue an order granting or refusing the request, or issue any order as he or she deems appropriate, taking into account the interest of all creditors under paragraph one. The creditor who carries out the continued execution may submit a motion objecting the order of the executing officer to the Court within fifteen days from the date the order of the executing officer is known.

For a creditor who applies for seizure of property or attachment of claim in the case where the execution is terminated:

(1) if the execution is terminated as a result of his or her forfeiture of right to execution under section 292 (6), he or she shall not be entitled to the distribution of properties or proceeds from the sale or realization of the properties subject to the execution;

(2) if the execution is terminated under section 292 (4) but there are remaining judgment debts, he or she may submit a motion to the Court for ordering that he or she be paid out of the remaining proceeds after creditors who apply for distribution have been paid, in the same manner as the person submitting a motion under section 329 (1);

(3) if the execution is terminated as a result of the setting aside of the writ of execution or in other cases except for (1) and (2), but there are remaining judgment debts, he or she may submit a motion to the Court for ordering that he or she is entitled to the distribution of properties or proceeds received from the sale or realization of properties in such execution, before the payment of money under section 339 or before the delivery of the notice under section 340 (3), as the case may be.

**Section 328.** A creditor who carries out the continued execution under section 327 may submit a motion to the Court competent in the execution for transfer of the execution to the Court which adjudicated the case in which he or she is a judgment creditor. After considering the motion, if the Court competent in the execution finds that the execution in the transferee Court will be convenient to all sides and the consent of the transferee Court has been obtained, the Court shall issue an order granting the transfer of the execution. The order of the Court under this section shall be final.

In case of transfer of execution under paragraph one, the transferee Court shall be deemed the Court under section 271 paragraph one.

**Section 329.** In the case where a judgment creditor fails to submit a motion for distribution within the time period under section 326 or the Court dismisses the motion for distribution on the grounds of submission after the expiration of such time period, the judgment creditor may submit a motion to the Court for any of the following orders:

(1) granting him or her the right to receive payment out of the remaining proceeds after payment to creditors who apply for seizure of property or attachment of claim and creditors who apply for distribution under section 326 or section 327, as the case may be;

(2) where the execution is terminated and there is no creditor carrying out the continued execution under section 327, deeming him or her as a creditor who carries out the continued execution after the creditor who applies for seizure of property or attachment of claim in case of termination of execution, from the date the execution is terminated.

The motion under (1) shall be submitted before the payment of proceeds under section 339 or before the delivery of the notice under section 340 (3), as the case may be.

The motion under (2) shall be submitted before the termination of the execution.

In the case where there is a person submitting a motion under (2), the provisions of section 327 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*. If there are several persons submitting a motion under (2), it shall be deemed that persons submitting the motion who are not the one elected or prescribed by law to be the person carrying out the continued execution, and creditors who fail to submit a motion to carry out the continued execution under section 327, are also creditors who are entitled to receive payment of debt out of the property or proceeds received from the sale or realization of the property in such case.

**Section 330.** The order of the Court under section 327 paragraph three and paragraph four and section 329 shall be final.

## Part 8 Sale or Realization

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**Section 331.** Subject to section 332 and section 336, once a property of a judgment debtor is seized or his or her claim is attached, in whole or in part, or a property under an attached claim is delivered to the executing officer, if there is no reasonable ground to stay the execution, the executing officer shall sell such property or claim at public auction in accordance with the Civil and Commercial Code and Ministerial Regulations on such matter or as prescribed by an order of the Court, or carry out the sale thereof by electronic mean as prescribed by Ministerial Regulation.

Before the sale of the property or claim at public auction under paragraph one, the executing officer must notify the date, time and place of the public auction to all persons interested in the execution as appeared on the register or others. The sale at public auction may be carried out on holidays or at any time outside normal working hours, provided that the determination of such date and time must be not fewer than sixty days from the date of seizure, attachment or delivery of the property.

In order to ensure fairness in the sale at public auction, the persons interested in the execution are fully entitled to make a bid themselves or find other persons to make a bid on their behalf at any price they wish. After the fall of the hammer of the executing officer and the sale is made to the highest bidder, all interested person in the execution shall be prohibited from raising a claim that the auction price is unreasonably low as grounds to annul the sale by public auction.

**Section 332.** In the case where properties or claims to be sold or realized are fresh or perishable goods, or, if delayed, will be at risk of being damaged or incur expenses unproportioned to their value, the executing officer shall immediately sell or realize them by mean of public auction or any other mean deemed appropriate.

In the case where it is difficult to sell or realize the property seized or delivered under an attachment order, or it is difficult to sell or realize the claim owing to the reason that the performance of obligations requires the performance of reciprocal obligations or other reasons, and the delayed execution will cause injury to all or any parties or to interested persons, if the executing officer deems appropriate or a party or such person submits a request, the executing officer may issue an order to carry out the realization by any other mean as deemed appropriate. The interested person in the execution may object to the order or action of the executing officer by submitting a motion to the Court within two days from the date the order or action is known. The order of the Court shall be final.

**Section 333.** In sale of a property of a judgment debtor at public auction, the executing officer shall proceed as follows:

(1) in selling several pieces of properties, they shall be separately and successively sold; provided however that:

(a) the executing officer has the power to group and sell low-priced movable properties in lots at any time;

(b) the executing officer has the power to group and sell two or more movable or immovable properties in one lot where it can be expected that the proceeds received from the sale will increase due to that cause;

(2) in selling an immovable property which is divisible, the executing officer has the power to sell such property in divided lots where it can be expected that the proceeds from the partial sale of the property will be sufficient for the execution or the net proceeds will increase due to that cause;

(3) in selling several properties, the executing officer has the power to determine the order of sale of such properties.

A person who has interest in the execution against the properties to be sold may request the executing officer to group or divide the properties or to sell them in the determined order, or may submit an objection against the order of the executing officer given under paragraph one. The submission of the motion under this section shall be made before the date of sale at public auction but no later than three days from the date the sale method is known. In the case where the executing officer refuses to act in accordance with such request or objection, the person submitting the motion may, within two days from the date of refusal, submit a motion to the Court for the issuance of an order to decide on such matter. The order of the Court shall be final, and the executing officer shall postpone the sale until

the Court issues the order or until the time period for submitting the matter to the Court has lapsed.

**Section 334.** Once the executing officer transfers to the buyer an immovable property sold, if the judgment debtor or his or her attendant dwells in such transferred property and refuses to leave the immovable property, the buyer is entitled to submit an *ex parte* application to the Court within the territorial jurisdiction of which the immovable property is situated for the issuance of a writ of execution to compel the judgment debtor or his or her attendant to leave such immovable property. In this regard, the provisions of section 271, section 278 paragraph one, section 351, section 352, section 353 paragraph one (1) and paragraph two, section 354, section 361, section 362, section 363 and section 364 shall apply *mutatis mutandis*; it shall be deemed that the buyer is a judgment creditor, and the judgment debtor or his or her attendant dwelling in such immovable property is a judgment debtor under the aforesaid provisions.

**Section 335.** Upon sale of a property required to be registered by the law at public auction, the executing officer shall notify the registrar, competent official or other person having the power and duty under the law for making a modification to the register for the buyer.

If the property to be put on sale at public auction is an apartment under the law on condominium, prior to the sale at public auction, the executing officer shall notify the condominium juristic person to submit to the executing officer the debt items required to be paid for the issuance of the debt-free certificate under the law on condominium within thirty days from the date the notice is received. After the sale at public auction, the executing officer shall set aside a sum of money received therefrom for paying such outstanding debts calculated up to the date of the sale at public auction to the condominium juristic person before the mortgage creditor. The competent official shall register the transfer of ownership for the buyer without requiring a debt-free certificate.

If the condominium juristic person fails to submit to the executing officer the items of outstanding debts within the time period prescribed in paragraph two or informs that there is no outstanding debt, the competent official shall register the transfer of ownership for the buyer without requiring a debt-free certificate.

If the property to be put on sale at public auction is a developed land under the law on land development, prior to the sale at public auction, the executing officer shall notify the developed estate juristic person to submit to the executing officer the debt items with respect to the public utilities maintenance and management costs as well as the fine under the law on land development within thirty days from the date the notice is received. After the sale at public auction, the executing officer shall set aside a sum of money received



therefrom for paying such outstanding debts calculated up to the date of the sale at public auction to the developed estate juristic person before the mortgage creditor. The competent official shall register the transfer of the land right for the buyer. In this regard, if suspension of the registration of rights and juristic acts in connection thereto is in place, such suspension shall be cancelled.

If the developed estate juristic person fails to submit to the executing officer the items of outstanding debts within the time period prescribed in paragraph four or informs that there is no outstanding debt, or in the case where the developed estate juristic person has not yet been formed, the competent official shall register the transfer of the land right for the buyer. In this regard, if suspension of the registration of rights and juristic acts in connection thereto is in place, such suspension shall be cancelled.

The payment of the money set aside under paragraph two and paragraph four shall be in accordance with the provisions of Part 10 Preparation of Distribution Accounts and Part 11 Unpaid Proceeds of this Chapter.

## Part 9

### Appointment of Manager of the Immovable Property or Business in Lieu of Sale or Realization

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**Section 336.** Where the income from an immovable property or operation of industry, commerce, agriculture or any other business of the judgment debtor may be sufficient to pay the judgment debt as well as costs and execution costs in a reasonable period of time, if the Court deems appropriate or the judgment debtor submits a request, and there is no fact of dilatory debt payment, the Court may issue an order appointing a manager of such immovable property or business, and that the entire or partial income shall be given to the executing officer within the time and under the conditions as the Court deems appropriate, instead of selling or realizing the property of the judgment debtor.

## Part 10

### Preparation of Distribution Accounts

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**Section 337.** The executing officer shall prepare a detailed account showing all amounts of money received from the seizure, attachment, sale or realization of properties of the judgment debtor or deposited with him or her. Furthermore, the executing officer shall prepare a special account for the amount of money received from the sale or realization or

each property subject to a real right, a preferential right, a right of retention or another right which is notified or appeared to the executing officer under section 324.

Unless provided otherwise by this Code or other laws, the executing officer shall allocate or distribute the money under paragraph one as provided by the following sections.

**Section 338.** Where execution is required to be carried out for a judgment or order which is given against a defendant in default of appearance, the proceeds received shall not be allocated or distributed until a period of six months from the date of seizure of property or attachment of claim of the judgment debtor has lapsed, unless the judgment creditor shows to the satisfaction of the Court that the judgment debtor has already known that the action is brought against him or her.

**Section 339.** In the case where there is only one judgment creditor applying for the execution against a property of the judgment debtor, and there is no case under section 324, after the sale at public auction or realization by any other mean of the property is complete and the execution costs are deducted, the executing officer shall pay the judgment creditor the amount of debts and costs under the judgment, insofar as the net proceeds are available for the payment.

**Section 340.** In the case where there are several judgment creditors applying for the execution against a property of the judgment debtor, or there is a case under section 324, after the sale at public auction or realization by any other mean of the property is complete, the following proceedings shall be taken:

(1) the execution costs shall be deducted, but if such property belongs to co-owners, the executing officer shall first set aside the portion of money of other co-owners other than that of the judgment debtor from the proceeds received from the sale or realization of such property, and the execution costs shall then be deducted only from the portion of money of the judgment debtor;

(2) the distribution account shall be prepared to show the amount of money paid from the net proceeds available for the payment to each of the judgment creditors or persons having a right over such property according to the right of such person as per the provisions of the Civil and Commercial Code, this Code or other laws, and the amount of money set aside for the co-owners shall also be shown in such account;

(3) a notice shall be sent to the judgment debtor, co-owners, and persons under (2) for examining the distribution account and submitting a statement of objection within fifteen days from the date the notice is sent.

If there is no statement of objection within the time period prescribed in (3), it shall be deemed that such distribution account is final and the executing officer shall pay the money to persons in accordance with such distribution account.

**Section 341.** In the case where there is a person submitting the statement of objection under section 340, the executing officer shall issue summonses calling all judgment creditors, persons having the right over the property, co-owners and judgment debtors to give statement of explanation at the specified time and place, provided that they must be notified at least three days in advance. Such person may appear in person in compliance with the summons or may appoint an attorney to act on his or her behalf.

After examining statements of objection and hearing statements of explanation from persons appearing in compliance with the summonses, the executing officer shall issue an order affirming or amending the distribution account, and read such order to the persons appearing in compliance with the summonses, and require them to affix their signatures in acknowledgment thereof.

In the case where the order cannot be issued on the specified date, the executing officer shall notify the persons appearing in compliance with the summonses or as scheduled of the date scheduled for hearing the order, and require them to affix their signatures in acknowledgment thereof.

If the person under paragraph one fails to appear in compliance with the summons of or as scheduled by the executing officer, he or she shall be deemed to have known the scheduled date and the order of the executing officer.

**Section 342.** In the case where the executing officer issues an order affirming the distribution account, the person submitting a statement of objection under section 340 may file a motion objecting such order with the Court within seven days from the date on which the order is read.

In the case where the executing officer issues an order amending the distribution account, the person under section 341 may file a motion objecting such order with the Court within fifteen days from the date on which the order is read.

In the case where there is a person filing the objection motion under paragraph one or paragraph two, the executing officer shall postpone the payment of distributed proceeds until the Court issues an order thereon, or shall make a provisional payment of distributed proceeds under section 343.

If there is not person filing the objection motion under paragraph one or paragraph two, the distribution account shall be deemed final, and the executing officer shall pay a sum of money to the persons in accordance with such distribution account.

The order of the Court under this section shall be final.

**Section 343.** If the executing officer is of the opinion that the postponement of payment of distributed proceeds until the properties subject to the execution are entirely realized or until the claims brought to the Court become final will cause injury to all or any of the persons entitled to the distribution of proceeds of the properties subject to the execution, the executing officer has the right to apportion the proceeds in a manner sufficient to make a payment as provided in section 340, section 341 and section 342, provided that the executing officer has set aside a sum of money for payment of all execution costs already incurred or to be incurred and for payment of any disputed claim.

**Section 344.** Where the persons interested in the execution are satisfied with the distributed proceeds received, if there are remaining proceeds from the sale or realization of the property after the deduction of execution costs, and such proceeds are required to be paid to the judgment creditors under section 329 or are otherwise attached, the executing officer shall pay the remaining proceeds in accordance with section 329 or the order attaching the claim, as the case may be.

If the net proceeds from the sale or realization of property are no longer required for the continued execution, or there are proceeds remaining from the sale or realization of property after deduction of the execution costs and payment to the satisfaction of the judgment creditors, the executing officer shall pay the net proceeds or the remaining proceeds to the judgment debtor. If a property of a third person is realized for the benefit of the judgment debtor, the net proceeds or remaining proceeds shall be paid to such third person.

If a property has already been sold under section 323, and a final judgment is given in favor of the claimant, the executing officer shall pay the proceeds from the sale thereof to the claimant.

## Part 11

### Unpaid Proceeds

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**Section 345.** All unpaid proceeds remaining in the Court or at the executing officer, which are not claimed by the person entitled thereto within five years, shall be vested in the State.

CHAPTER III  
EXECUTION IN CASES OF RETURN OR DELIVERY OF SPECIFIC THINGS

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**Section 346.** In the execution of a judgment or an order of the Court compelling the judgment debtor to return or deliver a specific thing to the judgment creditor, if the provisions in this Chapter do not otherwise prescribe any particular execution measure, the provisions of Chapter 2 Execution in Cases of Money Debt shall apply *mutatis mutandis*.

**Section 347.** In the case where the judgment or order of the Court requires the judgment debtor to return a specific thing to the judgment creditor or deliver a specific thing to the judgment creditor for the performance of obligation under the claim, the executing officer shall have the power to seize such thing in order to comply with the judgment or order.

If the specific thing that the judgment debtor is required to deliver to the judgment creditor for the performance of obligation under the claim has already been seized or attached for payment of money debt in another case, the judgment creditor is entitled to submit a motion to the Court issuing the writ of execution before the sale at public auction or realization by other mean for issuance of an order directing the executing officer to deliver such thing to him or her, provided that such person must show to the satisfaction of the Court that the judgment creditor who applies for the seizure or attachment of the thing in such other case is able to sufficiently carry out the execution against other properties of the judgment debtor. In this regard, the Court shall notify the executing officer, and may issue an order staying the execution during the trial. In such case, the judgment creditor shall reimburse the expenses incurred from the seizure or attachment of the thing to the judgment creditor who applies for the seizure or attachment of the thing in such other case, and the judgment creditor in such other case shall be exempted from the payment of the executing officer's fee.

If the judgment creditor is unable to show to the satisfaction of the Court as provided under paragraph two, the Court shall issue an order granting the judgment creditor the right to participate in the distribution of proceeds received from the sale or realization of properties of the judgment debtor in such other case. In this case, section 326 and section 329 shall apply.

**Section 348.** With respect to the execution of a judgment whereby the Court compels the judgment debtor to return or deliver to the judgment creditor a specific thing which has an ownership register or a certificate of utilization, the executing officer shall notify the competent official or the registrar for further making the registration.

With respect to the execution of a judgment whereby the Court compels the judgment debtor to return or deliver a specific immovable property, if there is an obstruction or difficulty in returning or delivering such immovable property to the judgment creditor, the provisions of Chapter 4 Execution in Cases of Eviction shall apply *mutatis mutandis*.

**Section 349.** In the execution in which the judgment debtor is compelled to return or deliver a specific thing, the judgment creditor shall be exempted from the executing officer's fee.

The judgment debtor shall be responsible for the execution costs paid by the judgment creditor in a case where the judgment requires the return or delivery of a specific thing, as well as the costs and execution costs paid by the judgment creditor in such other case under section 347 paragraph two, in respect of which they shall be deemed the costs and execution costs required to be paid to the judgment creditor in the case where the judgment requires the return or delivery of such specific thing.

#### CHAPTER IV EXECUTION IN CASES OF EVICTION

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**Section 350.** In the execution of a judgment or an order of the Court requiring the judgment debtor to be evicted from an immovable property, a dwelling or a thing in the possession, the executing officer shall proceed in accordance with section 351, section 352, section 353 and section 354.

In the execution of a judgment or an order of the Court requiring the judgment debtor to remove a structure, perennials, herbs or crops, or to move a property out of the immovable property, dwelling or thing in the possession, the executing officer shall proceed in accordance with section 355.

#### Part 1 Execution in Cases Where the Judgment Debtor is Required to Leave the Immovable Property, Dwelling or Thing in the Possession

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**Section 351.** In the case where the judgment or order of the Court requires the judgment debtor to be evicted from an immovable property, a dwelling or a thing in the possession:

(1) if there is no person dwelling in such thing, the executing officer shall proceed in accordance with section 352;

(2) if the judgment debtor or his or her attendant fails to leave such thing, the executing officer shall proceed in accordance with section 353.

**Section 352.** In case under section 351 (1), the executing officer shall have the power to promptly deliver such thing, in whole or in part, to the judgment creditor for the possession. If there is an obstruction hindering the delivery, the executing officer shall have the power to remove such obstruction as necessary.

If there are items of the judgment debtor or any other person remaining in such thing, the executing officer shall prepare a list of such items, and have the power to take the following actions:

(1) If such item is by nature fresh or perishable, or by nature may cause harm, or, if delayed, will be at risk of being damaged or incur expenses unproportioned to its value, the executing officer shall have the power to immediately realize such object by mean of sale at public auction or any other mean deemed appropriate and keep the net proceeds after deducting the expenses in lieu of such item, or to destroy such item, or to take any other action deemed appropriate, provided that regard shall be had to the nature of the item, interest of the interested persons and public interest.

(2) If such is not an item specified in (1), the executing officer shall have the power to place such item into his or her custody, or give it to the judgment creditor for preservation, or deposit it at any place or with any person deemed appropriate, and then make a notice or an announcement for the judgment debtor or owner of the item to collect the item within the time period specified by the executing officer. If the judgment debtor or owner of the item fails or refuses to collect the item within the specified time period, the executing officer shall take the action in accordance with (1) *mutatis mutandis*.

The proceeds that the executing officer receives from the realization of the item under paragraph two (1) or (2), if the judgment debtor or owner of the item fails to claim for the collection thereof within five years from the date of receipt of the notice of the executing officer, shall be vested in the State.

In the case where the item under paragraph two is seized or attached or its transfer, removal or realization is prohibited in accordance with an interim measure before judgment or for the purpose of execution in another case, the executing officer shall have the power to move such item to another place deemed appropriate for preservation. The executing officer shall also notify the Court or the executing officer in such other case for information.

The judgment debtor shall pay the expenses incurred from the action under this section, and it shall be deemed judgment debt based upon which the execution shall be further carried out.

**Section 353.** In the case of section 351 (2), the executing officer shall take the following actions:

(1) the executing officer shall report to the Court for issuance of an order to arrest or detain the judgment debtor or his or her attendant, and the Court shall have the power to immediately order the arrest or detention; in such case, the provisions of section 363 shall apply *mutatis mutandis*;

(2) the executing officer shall post a notice directing the person dwelling in or possessing such thing who claims that he or she is not an attendant of the judgment debtor to submit a motion to the Court within fifteen days from the date the notice is posted in order to show that he or she has special power to dwell in or possess such thing.

After the arrest of the judgment debtor or attendant under (1), or in the case where such person has left such thing, the executing officer shall proceed in accordance with section 352.

**Section 354.** For the purpose of the execution as provided in section 351, the following persons shall be deemed attendant of the judgment debtor:

(1) a person who dwells in or possesses such thing, but does not submit a motion to the Court within the time period under section 353 (2), or has submitted the motion but fails to show that he or she has special power to dwell in or possess such thing;

(2) a person who enters into such thing during the time the executing officer proceeds to allow the judgment creditor to possess such thing.

## Part 2

### Execution in Cases Where the Judgment Debtor Is Required to Remove Structures, Perennials, Herbs or Crops, or to Move Properties out of the Immovable Property, Dwelling or Thing in the Possession

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**Section 355.** In the case where the judgment or order of the Court prescribes that the judgment debtor must remove a structure, perennials, herbs or crops, or move properties out of the immovable property, dwelling or thing in the possession, the executing officer shall have the power to carry out the removal or move the property out of such thing. The judgment debtor shall pay the expenses of the removal or moving of the property, and they shall be deemed judgment debt based upon which the execution shall be further carried out.

In the case under paragraph one, the executing officer shall post a notice determining the removal or moving of the property at such area for not less than fifteen days,



and shall take precautions reasonable to the circumstances in removing or moving such property.

In dealing with the materials removed and properties moved out of the immovable property, dwelling or thing in the possession, the provisions of section 352 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

## CHAPTER V

### EXECUTION IN CASES OF PERFORMANCE OF OR FORBEARANCE FROM ACTS

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**Section 356.** In the execution of a judgment or an order of the Court requiring the judgment debtor to perform or forbear from an act, except for cases of a judgment or an order of the Court requiring the judgment debtor to return or deliver a specific thing or to be evicted in accordance with Chapter 3 Execution in Cases of Return or Delivery of Specific Things and Chapter 4 Execution in Cases of Eviction, the Court shall have the power to determine the execution measure as provided in Part 1 or Part 2 of this Chapter; however, in the case where the Court is of the opinion that the result required by the judgment or order of the Court cannot be achieved by such execution measure, the Court shall have the power to determine the execution measure as it deems appropriate insofar as the nature of the execution may permit.

#### Part 1

#### Execution in Cases of Performance of Acts

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**Section 357.** In the execution of a judgment or an order of the Court requiring the judgment debtor to perform a juristic act in which the declaration of intention by the judgment debtor may be substituted by a judgment of the Court, and the judgment or order of the Court does not prescribe that the judgment may be substituted for the declaration of intention by the judgment debtor, the judgment creditor may submit a motion to the Court for issuance of an order substituting the judgment or order of the Court for the declaration of intention by the judgment debtor.

If the declaration of intention by the judgment debtor may be complete only upon registration with the registrar, competent official or other person having the power and duty under the law, the judgment creditor may submit an application to the Court for ordering the registration. In such case, such person shall carry out the registration in accordance with the order of the Court.

If a certificate, e.g. title deed, preemption certificate, certificate of utilization, certificate of registration or title document, which is required for the registration is lost, is

damaged or otherwise cannot be acquired by any other reason, the Court may order the registrar, competent official or other person having the power and duty under the law to issue a replacement of such certificate. Upon issuance of the replacement, the original certificate shall be cancelled.

**Section 358.** In the execution of a judgment or an order of the Court requiring the judgment debtor to perform an act other than the case under section 357, in addition to submitting an application under section 361, if such act may be performed by a third person, the judgment creditor may submit an *ex parte* application to the Court for issuing an order allowing such third person to perform the act on behalf of the judgment debtor with the expense thereof be paid by the judgment debtor.

The expense paid for the performance of act on behalf of the judgment debtor under paragraph one shall be deemed judgment debt based upon which the execution shall be further carried out.

## Part 2

### Execution in Cases of Forbearance from Acts

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**Section 359.** In the execution of a judgment or an order of the Court requiring the judgment debtor to forbear from an act, the judgment creditor may apply to the Court for issuance of an order to arrest and detain the judgment debtor under section 361, and apply to the Court for issuance of any of the following orders:

(1) to compel the judgment debtor to pay compensation for the injury from the failure to forbear from the act;

(2) to remove or destroy a property resulted from the failure to forbear from the act, except where the law on that matter otherwise prescribes the mean for dealing with such property.

In the case under (1), where the Court, upon inquiry, is of the opinion that the application is admissible, the Court shall issue an order requiring the judgment debtor to pay the compensation in the amount that it deems appropriate.

In the case where the Court issues an order under (2), the Court shall notify the order to the executing officer, and the executing officer shall act in accordance with the order of the Court with the expense thereof be paid by the judgment debtor.

The application and action under this section shall not be subject to the Court fee. The compensation determined by the Court under paragraph two and the expense under paragraph three shall be deemed judgment debts based upon which the execution shall be further carried out.

CHAPTER VI  
EXECUTION IN CASES OF ACQUISITION OF REGISTERED PROPERTIES

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**Section 360.** In the execution of a judgment or an order of the Court permitting or affirming the acquisition by the judgment creditor or any person of ownership, real right or other rights in connection with a property, if the property is a registered property and there is a difficulty in modifying the register, the judgment creditor or such person may submit an application to the Court for issuance of an order requiring the registrar, competent official or person having the power and duty under the law to carry out the registration for the person entitled to have his or her name appeared on the register in accordance with the order of the Court.

The provisions of section 357 paragraph three shall apply *mutatis mutandis*.

CHAPTER VII  
EXECUTION IN CASES INVOLVING APPLICATION TO THE COURT FOR  
THE ARREST OR DETENTION OF A JUDGMENT DEBTOR

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**Section 361.** Subject to the provisions of Chapter 4 Execution in Cases of Eviction, in the case where the judgment debtor willfully resists compliance with the decree, and there is no other enforcement measure which can be adopted by the judgment creditor, the judgment creditor may submit an *ex parte* application to the Court for issuance of an order to arrest and detain the judgment debtor.

Upon receiving the application under paragraph one, the Court shall expeditiously consider the application. If the Court is satisfied by the evidence adduced by the judgment creditor or called by it that the judgment debtor is able to comply with the decree if he or she acts in good faith and there is no other enforcement measure which can be adopted by the judgment creditor, the Court shall issue an arrest warrant against the judgment debtor.

If the judgment debtor appears in Court or is brought to it under the arrest, but the judgment debtor fails to show any reasonable cause of failure to comply with the decree, the Court has the power to detain the judgment debtor immediately or on any day that the judgment debtor still resists. If the judgment debtor can show a reasonable cause of failure to comply with the decree or agrees to comply with the decree in every aspect, the Court shall order the dismissal of the application or issue any other order as it deems appropriate.

**Section 362.** Upon issuance of an arrest warrant against the judgment debtor under section 361, if the judgment debtor appears in Court or is brought to it under the arrest, the Court shall have the power to detain the judgment debtor pending the consideration of the application until guarantees, or guarantees and securities are furnished as the Court deems appropriate.

In case of breach of the guarantee contract under paragraph one, the Court has the power to issue an order to enforce the guarantee contract or the amount of money that the Court deems appropriate without having to initiate a new legal action against the person entering into the guarantee contract.

**Section 363.** In the case where the Court order the detention of the judgment debtor or any person under section 353 or section 361, such person shall be detained until the guarantee is provided or the guarantee and security are provided in the amount that the Court deems appropriate to prescribe for making the person agree to comply with the decree in every aspect. However, each detention shall not be longer than six months from the date of arrest or commencement of the detention, as the case may be.

In case of breach of the guarantee contract under paragraph one, the provisions of section 362 paragraph two shall apply *mutatis mutandis*.

**Section 364.** In the case where the Court accepts guarantee by a person, and such person willfully obstructs the execution or cooperates with the judgment debtor to resist compliance with the decree, the provisions of section 361, section 362 and section 363 shall apply *mutatis mutandis*.

**Section 365.** In the arrest and taking into custody of any person under the provisions of this Title, the administrative official or police officer under the Criminal Procedure Code shall have the duty to comply with the order or warrant of the Court or as informed by the executing officer.

The arrest, taking into custody or detention of any person under section 279 paragraph two, section 284, section 353, section 361 and section 364 shall not prejudice the right to initiate a case for any criminal offence.

## CHAPTER VIII

### ENFORCEMENT IN CASES WHERE THERE ARE GUARANTEES IN COURT

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**Section 366.** If a person has agreed to become a guarantor in Court either in writing or by any other mean for the performance of an obligation under a judgment or an

order or any part thereof, the aforesaid judgment or order may be used to enforce the guarantee. In this regard, the judgment creditor shall have the right to apply to the Court for carrying out the execution against the guarantor as if he or she were a judgment debtor without having to institute a new legal action.

The provisions of paragraph one shall also apply *mutatis mutandis* to the guarantee for the compliance of the order of the Court in other cases.

**Section 367.** In the case where the party or any person has furnished with the Court a sum of money, a passbook of a bank deposit account, a bank guarantee or other security which may be redeemed in a form of money, in accordance with the provisions of this Code or the order of the Court, such as an order concerning a provisional measure before judgment or a stay of execution during an appeal or a *dika* appeal, or in any other case, the judgment creditor in such case is entitled to submit a request to the Court for the payment of money or for compelling the payment of money to him or her.

The application and action under this section shall not be subject to the Court fee.”

**Section 21.** This Act shall not affect the proceedings of the Court and the execution proceedings of an executing officer which have been conducted prior to the date this Act comes into force.

The sale of properties of a judgment debtor at public auction which has been announced by an executing officer under the provisions of the Civil Procedure Code in force on the day prior to the date this Act comes into force, shall continue to be carried out in accordance with the rules, procedures and conditions prescribed by the notification of such sale at public auction until its completion.

**Section 22.** All Ministerial Regulations, Rules, Notifications or Orders issued under the Civil Procedure Code in force on the day prior to the date this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with the provisions of the Civil Procedure Code as amended by this Act, until the Ministerial Regulation, Rule, Notification or Order issued under the Civil Procedure Code as amended by this Act comes into force.

**Section 23.** The President of the Supreme Court and the Minister of Justice shall have charge and control of the execution of this Act.

Countersigned by:

General Prayut Chan-o-Cha

Prime Minister

**Remark:** The grounds for promulgation of this Act are as follows. Whereas a part of the provisions of the Civil Procedure Code on the execution of judgments or orders currently in force is not suitable to present economic and social circumstances, resulting in the execution of judgments or orders of the Court which is time-consuming and not sufficiently efficient to bestow justice on the people burdened with cases, and creating possibility to cause delay in cases, it is expedient to suitably amend the provisions of the Civil Procedure Code in the part relating to the execution of judgments and orders. It is therefore necessary to enact this Act.