

C 170229: MAJOR LAW

KEY WORD: PROVISIONS MEASURES BEFORE JUDGMENT / LAND ATTACHMENT

EKKAPON YUANGNARK : LEGAL PROBLEMS CONCERNING LAND ATTACHMENT.

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According to the present procedures in court, when the defendant is defeated in a Civil case, the defendant is responsible to take action according to the court's judgments or orders. However, before the court has judgment, the ill-intent defendant may decide to sell or transfer their properties to prevent the legal execution. Therefore it is necessary for the provisions measures before judgement in order to prevent any damage that may occur before judgment.

One of the measures before judgment is request by the plaintiff to the court to attach property of the defendant or other persons. One of the certain kind of property, land, not only the protection is provided under the Civil Procedures Code, the similar provisions in the Land Acts also provide protection by attach land to protect rights of persons concerned. The researcher believes that, in theory and in reality, this provisions is possible to cause problems. The researcher has analysed the criteria set forth by the law and also problems that may occur. The researcher proposed that this provision should be revised in order to be clearer and more flexible than in present situation.