

ABSTRACT

At the present, there are a number of different kind of cases filed to the civil court and the amount of cases have increased each year causing the problem of the overload of the case. It results in the delay of the trial. The longer time spent on the adjudication of the case, the more the justice is damaged. It is expressed by the proverb that "Justice delayed is justice denied". This becomes one of the most important problems in the administration of the justice. For the fast and fair trial, the procedure of the simple case, having more special method of hearing from the procedure of the ordinary case, has been introduced in Division II, Title II of the Procedure in Courts of First Instance of the Civil Procedure Code. The primary principle provides that clear evidence, difficult for defendant to make an argument, must be shown by the Plaintiff. It is believed that the quicker procedure of the simple case is the healing of the problem of the delay of the trail of the ordinary case.

However, the research shows that in practice there are a number of problems. Although law provides the court with a role and authority to enquire for the fact, the proceeding of the simple case has not yet successful. Compared to the law system of foreign countries, both common law and civil law, the procedure of simple case of those countries is more successful than of Thailand. Even the case applied the inquisitional procedure such as the consumer protection case in Thailand is likely to have more success than the simple case.

This paper, the writer focuses on the analysis of the role of the court, problems in the procedure of the simple case as well as the guideline in solving the problems in order to bring the case to the end quickly for example the creation of simple case own Division separated from those of ordinary one in order to proceed this special case, setting the principle to identify that which case should be classified as the simple case and focusing on the role of the Judge in making enquiry for the fact by comparing to foreign countries and Consumer Protection Act B.E. 2551. This is for the purpose of letting the proceeding of the simple case go effectively and enable to apply to other kind of cases.