

Thesis Title	Legal Problems on the Application of Interpleading in Civil Procedure Code to be Applied Mutatis Mutandis in the Administrative Court Procedure.
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ABSTRACT

This thesis has an objective to study legal problems on the application of interpleading in civil procedure in order to be applied mutatis mutandis in Thai Administrative Court Procedure. The research study consists of the study of concept about court structure and court procedure system; concepts and legal evolution in civil procedure and administrative court procedure; the principle of interpleading; the application of civil procedure in administrative court procedure; the interpleading principle in French and German legal system; and the application of interpleading principle in civil procedure to be applied in administrative court procedure in Thai legal system.

According to the research study, even though administrative case has different legal characteristics from those of civil case as seen from separated administrative court procedure, both civil procedure and administrative court procedure have general principle of laws to be commonly used such as audi alteram partem principle, impartiality principle, and conflict of interest principle. In addition, some legal principles in civil procedure are found in administrative law procedure, in both Thai and foreign administrative court procedure. Specifically, the interpleading principle is found in Clause 78 of Rule of the General Assembly of Judges of the Supreme Administrative Court, B.E. 2543 (2000), which prescribes that Sections 57 and 58 of Civil Procedure Code shall be applied mutatis mutandis, and such legal provisions allow any third person, who is not party to the case, may become a party by way of interpleading for the acknowledgment, protection, or enforcement of a civil right enjoyed by him or her. However, the administrative dispute is the legal dispute in which a State agency or State official exercises

power, under the law, affecting people on the basis of inequality relationship. Moreover, according to Section 72 of Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999), there is restriction on Court decree which does not provide rights for the third person to interplead into the administrative case. The interpleading principle in civil procedure then is not consistent with every kind of administrative disputes and administrative court procedure, and there are legal problems about the exercise of discretion by the Administrative Court in considering an interpleading request and in summoning third person into each kind of administrative case, including vague court case proceeding about interpleading.

This thesis recommends that there should be regulations and conditions for the interpleading in administrative court procedure, depending on different characteristics of administrative disputes. In the administrative dispute concerning the unlawful act of State agency or State official, or the omission of official duties as prescribed by law, if the third person makes a request to be the Plaintiff, he or she should present to the Court on how he or she gets involved in the case sufficient to revoke the act which is the cause of case filing; on the other hand, if the third person wants to be the Defendant, he or she should present that he or she has involved interest in order to maintain the enforcement of such claimed act. In the administrative dispute concerning the wrongful act or other liabilities of the State agency or State official, or in the administrative contract, the third person should present to the Court that his or her rights might be affected from the Court judgment. This thesis also recommends solution in the administrative court procedure for the Court to consider which person can be affected from the administrative case in order to conduct court case proceeding altogether in one time, regarding the *audi alteram partem* principle, for the administration of justice to all parties entirely.