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SIRIRAT SUKAPUTI , POLICE LIEUTENANT : RESTITUTION OF THINGS UNDER THE THAI CIVIL LAW

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There are many cases of restitution of things under the principle of Thai Civil Law . Some cases , laws obviously provide the rule of restitution of things such as the restitution under the law of unjust enrichment , but some cases provide only grounds of the restitution without details of it such as a case of avoidance of a voidable juristic act , restitution of contract and cancellation of fraudulent act.

The restitution means not only return things but also return of its fruits , expenses , concerning the things paid by the person returning things such as expenses for maintenance or repair, and return of changeable if it was changed .

The law provides case of the restitution under the law of unjust enrichment , both duty of the person who returns things under Section 412 to 415 and duty of person who takes return such things under Section 416 to 418. The law of unjust enrichment considers mental condition of the person who returns the things . Case the person who has received , in good faith , money or other property other than it and case the restitution is possible , the law provides that such person is bound only to return such part of the enrichment as still exists at the time when the restitution is demanded . If the person who returns the property used the money to pay other property or to exchange other property , he is bound to return all such after - acquired properties.

That the restitution in case of avoidance of the voidable juristic act or rescission of contract , under Section 176 (effect of avoidance of the voidable juristic act) or under Section 351 (effect of rescission of contract) can be summarized when any persons avoided act or one party has exercised his right of rescission , each party shall be restored to the former condition . It must be indemnified . If it is not impossible to be restore. There are no provision of law in case of return of fruit and expenses of the property , it is likely that the provision of the restitution under the law of unjust enrichment Section 412 to section 418 shall apply *mutatis mutandis* . Besides , there are no provision of the law in case of the restitution when any persons avoided a voidable act , it is likely that Code of Civil and Commercial , Section 1376 Which provided that provision of the restitution under the law of unjust enrichment , Section 412 to Section 418 , shall apply *mutatis mutandis* .

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