

Civil Litigation in Thailand: PART 2 – filing a case and notifying the defendant

Suing or being sued by someone in Thailand begins by the filing of a complaint (or what is most commonly referred to in Thailand as a “plaint”) against the accused defendant party. The complaint must contain all the facts which would be sufficient to support a legally cognizable claim against the defendant under Thai law. However, there is no need for the complaint allege the law or laws applicable nor to provide evidentiary support for these factual allegations. Evidence in support of the complaint presented later will be accepted by the court.

Once a complaint is filed and accepted by the court, the plaintiff must request the court to issue a summons to the defendant. It will then become the court’s responsibility to notify the defendant of the action against him and of the time within which the defendant must reply and/or appear in court.

It should be noted that where a foreign defendant party is involved an unfortunate circumstance often arises for the plaintiff. If a foreign defendant is not able to be formally notified of the case, as required by Thai procedural law, then the plaintiff must ask the Thai government (i.e., The Ministry of Foreign Affairs) to formally request the relevant foreign government to serve the complaint and summons on the foreign defendant. Then a reverse process must be effected. As a result it usually takes a year or more (and sometimes several years) before a Thai court case against such a foreign defendant formally begins and the initial trial date is scheduled.

DUENSING KIPPEN is an international law firm specializing in business transaction and dispute resolution matters, with offices in Bangkok and Phuket, Thailand and affiliated offices in 45 other countries. Visit them at: **duensingkippen.com**