

Civil Litigation in Thailand: PART 5 – appeal

In most instances of a civil court case in Thailand either party may appeal the judgment of a trial court. And, in most cases, appeal to intermediate courts of appeal is available with a final option to appeal to the relevant supreme court. However, in some cases the law provides for appeal directly to the relevant supreme court, thus bypassing any intermediate appellate court. Notable examples of this would be cases involving: (1) the recognition and enforcement of arbitration agreements and awards; and (2) employment law disputes.

Although the law allows for oral arguments before courts of appeal, in practice this is rarely done. Thus, appeals are submitted in writing and, as a general rule, may be based on any issue of law or (unlike in many other jurisdictions) fact. However, there are exceptions. For example: options for appeal may be limited by a the financial amount in controversy; or the grounds on which one may appeal may be limited to points of law only, depending on the court which has jurisdiction over the case. In any event, intermediate courts of appeal, and the various supreme courts, in Thailand do not “retry” cases — no new evidence may be introduced in any stage of appeal.

Judgments in Thailand are read from the bench. As a general rule, any appeal of such judgments must be made within thirty days. But the thirty-day deadline may be extended on a showing of any acceptable good cause. However, it is important to note that, the thirty days do not begin to run until the parties have received notice, in fact or in law, of the judgment. If the losing party attends the reading of judgment from the bench, they will be considered notified. However, if the losing party does not attend the reading, notice will only be effected once the losing party legally receives the written judgment. However, the written judgment is not issued until well after the reading of the judgment from the bench. As a result, it is common practice for a losing party to choose not to appear for the reading of the judgment and await legally effective notice of such to follow later by way of service of the written judgment.

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