

Each party is bound to restore to the other party the prestation which he received **[as a performance]** ~~in execution~~ of the contract. or to make compensation for it, according to the provisions of this Code concerning restitution for undue enrichment.

ILLUSTRATION.—A sells to B for 1,000 baht an ingot which both parties thought to be of pure gold. Later on B discovers that the ingot contained lead inside. The sale is voidable on account of mistake. B is entitled to claim for the return of the 1,000 baht paid to A. A is entitled to claim for the return of the ingot.

If the ingot has been lost or stolen, restitution becomes impossible. But B has no compensation to pay since he is liable only for such part of his enrichment as still exists (see Section 112): when the ingot was lost or stolen, the enrichment totally disappeared. Nevertheless, B is still entitled to claim for the return of the 1,000 baht paid to A.

If B sold the ingot, he is only bound to restore to A the price which he received from the purchaser, because such price represents B's actual enrichment (see section 112). But he is still entitled to claim for the return of the 1,000 baht paid to A.

[PART] I. — CAPACITY OF PARTIES.

49. — Every person who is not declared by law or custom to be incapacitated can enter into a contract.

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