

ILLUSTRATION. — *A, the heir of C, pays to B the amount of a bill which A thinks not to have been paid by C. A afterwards finds a receipt showing that C had paid the said bill. A is entitled to restitution from B.*

106. — Incapacitated persons, when unduly enriched, are bound to make restitution in the same way as capable persons.

107. — A person who has made a prestation as if in performance of an obligation, knowing that such obligation did not exist, is not entitled to restitution.

ILLUSTRATION. — *A knows that he is not indebted in any way to B. A hands over 1000 baht to B by pretending that he is indebted to B in such amount. A is not entitled to restitution from B.*

108. — The following persons are not entitled to restitution:

1) A person who performs an obligation subject to a time clause before the time has arrived.

2) A person who performs an obligation which has been extinguished by prescription.

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II. — A has borrowed 1000 baht from B in the year 2442, to be repaid in the year 2444. A has not repaid the money and B has not claimed repayment. In the year 2456, at the time when A's obligation is extinguished by prescription, A repays the 1000 baht. A cannot claim restitution of the money.

CHAPTER II.

RESTITUTION FOR UNDUE ENRICHMENT.

109. — A person who unduly received a prestation is bound to make restitution as provided by the following sections.

[See Illustration under Section 111]

~~ILLUSTRATION. — A delivers to B an elephant, market value 2000 baht, believing that such prestation was due. In fact, the prestation was not due. According to Section 109, A is entitled to restitution from B.~~

110. — If the subject of the prestation is property which may be returned, and the person who received it was in good faith, such person is only bound to return it in such condition as it is.

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