

b) C pays to D 2700 baht. He has paid his share of 1500 baht and 1200 baht more. He is entitled to recover 1200 baht from A and B provided that he does not claim more than 500 baht from A or more than 1000 baht from B.

c) A pays to D 1200 baht. He has paid his share of 500 baht and 700 baht more. He is entitled to recover these 700 baht from B or from C or from both B and C.

194. — If a joint debtor is unable to contribute his share to a joint debtor who has wholly or partly satisfied the creditor, the deficiency must be borne by all the other joint debtors in proportion to their shares in the obligation.

ILLUSTRATION. — A, B, C and D are joint debtors of E for 11,000 baht in which the respective shares are: A 1000 baht, B 2000 baht, C 3000 baht, D 5000 baht. E claims the whole sum from A who pays it. A having paid 11,000 baht is entitled to recover 2000 baht from B, 3000 baht from C and 5000 baht from D. B and C pay to A the sums which are due by them. D pays only 2000 baht, leaving a deficiency of 3000 baht. A, B and C must bear the deficiency in proportion to their respective shares, that is to say A must bear 500 baht, B 1000 baht and C 1500 baht. A has therefore the right to claim 1000 baht more from B and 1500 baht more from C.

[195. — The joint debtor who has satisfied the creditor is subrogated to the rights of the creditor against the other joint debtors up to the amount satisfied by him on behalf of such other joint debtors.]

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[TEXT UNDER TAG]

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195.—The joint debtor who has satisfied the creditors is subrogated to the rights of creditor against the other joint debtors up to the amount due to him by the other debtors.

But he cannot exercise such rights to the injury of the creditor.

*ILLUSTRATION.* — *A and B are joint debtors of C for 10.000 baht, the share of each debtor being 5000 baht.*

*A pays 7000 baht to C. A has paid his share of 5000 baht and has also paid B's share up to 2000 baht. B is adjudged bankrupt. C claims from B payment of the balance of 3000 baht which is still due to him. A being subrogated to C's right claims also from B payment of the 2000 baht which A has paid on behalf of B. B's assets are 4000 baht only. A can prove against B, but only after C has been satisfied for the 3000 baht still due to him. The result is that A can get only 1000 baht from B.*

196. — If a joint debtor has not set up against the creditor defences of which he was aware and which arose out of the provisions of this Part III, the other joint debtors can set up such defences against him when he demands their shares.

*ILLUSTRATION.* — *A, B and C are joint debtors of D for a sum of 1500 baht. D claims the whole sum from A who pays it. A knew that prescription was completed in favour of B, but has not set up against D the defence resulting from Section 180. If A demands from B and C their proportionate shares of 500 baht each, B and C are entitled to set up that defence against A and are not liable to pay him anything.*

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