[Part] II. — REMEDIES OF THE CREDITOR.

262. — From the time when the debtor is in default, the creditor may claim specific performance of the obligation.

If the obligation arose out of a contract, the creditor may claim cancellation of the contract, except when the law provides that his remedy is to determine the contract.

The creditor is also entitled to compensation for any injury caused to him by the non-performance, except in the cases provided by Part IV of this Chapter.

ILLUSTRATION. — I. — A sells to B a pony to be delivered to B on April 1st. A does not deliver the pony to B on that date. A is in default since April 1st. On the 2nd. of April, the pony is accidentally killed. A is liable to B for the co~~m~~[n]sequences of the non-performance of the contract.

II. — A, living in Korat, sells a pony to B, living in Bangkok. It is agreed that A shall send the pony to B by rail on the 1st. of April. On the 31st. of March an accident happens on the line by which the traffic is interrupted for eight days. On the 3rd. of April, the pony is killed accidentally. A was in default since April 1st, but the fact that he was in default was not due to his fault. A is not liable to B for the consequences of the non-performance of the contract. A is entitled to the price of the pony.

See also Illustration under Section 270.

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Part II.—REMEDIES OF THE CREDITOR.

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If the obligation arose out of a contract, the creditor may claim cancellation of the contract, except when the law provides that his remedy is to determine the contract.

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