

277. — If the judgment is that the debtor shall do or abstain from doing an act the Court may (in addition to any compensation awarded or measures taken) order in its judgment that the debtor shall do or abstain from doing such act under a penalty, to be paid to the creditor of a fixed ~~s~~^u sum of money for each day of delay.

278. — The debtor shall be relieved from such penalty if he proves that the delay is not due to his fault.

[Part] VI. — PENALTY CLAUSE AND EARNEST MONEY.

279. — The parties to an obligation can fix beforehand the amount of compensation for non-performance of the obligation.

Such agreement is called a penalty clause.

ILLUSTRATION. — *A contracts to build for B a house to be delivered at a fixed date. It is provided in the contract that if the house is not delivered in due time, A shall pay 10 baht to B for each day of delay. This is a penalty clause.*

280. — If the obligation is void or voidable, the penalty clause is void or voidable.

ILLUSTRATION. — *A, a rice miller in Bangkok, contracts to send every month a cargo of rice to B in*

277.—If the judgment is that the debtor shall do or abstain from doing an act the Court may (in addition to any compensation awarded or measures taken) order in its judgment that the debtor shall do or abstain from doing such act under a penalty, to be paid to the creditor, of a fixed ~~s~~^u sum of money for each day of delay.

278.—The debtor shall be relieved from such penalty if he proves that the delay is not due to his fault.

Part VI. — PENALTY CLAUSE AND EARNEST MONEY.

279.—The parties to an obligation can fix beforehand the amount of compensation for non-performance of the obligation.

Such agreement is called a penalty clause.

ILLUSTRATION.—*A contracts to build for B a house to be delivered at a fixed date. It is provided in the contract that if the house is not delivered in due time, A shall pay 10 baht to B for each day of delay. This is a penalty clause.*

280.—If the obligation is void or voidable, the penalty clause is void or voidable.

ILLUSTRATION.—*A, a rice miller in Bangkok, contracts to send every month a cargo of rice to B in*