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ILLUSTRATION. — A sells his land to B, the land to be delivered one month after the sale. It is agreed that if A does not deliver the land, he shall pay 100 baht to B. If A does not deliver the land, B may claim specific performance, that is to say delivery against payment of price, or he can claim the compensation provided by the penalty clause, that is to say 100 baht.

282. — A penalty clause shall not be enforced if non-performance is due to force majeure.

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. Before delivery part of the house is damaged by a fire due to force majeure, and delivery is delayed 10 days thereby. The penalty clause shall not be enforced.

283. — A penalty clause shall be enforced even if the creditor has suffered no injury.

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