

Legal 500

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Thailand

Litigation

Contributor

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Limited



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This country-specific Q&A provides an overview of litigation laws and regulations applicable in Thailand.

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Thailand: Litigation

1. What are the main methods of resolving disputes in your jurisdiction?

In Thailand, the primary dispute resolution methods are litigation, mediation and arbitration.

Litigation remains the most common method whilst mediation is increasingly encouraged, both through programs run by the courts and private organizations.

Arbitration is also a widely accepted method, especially for complex or cross-border commercial disputes. The leading arbitration institutions in Thailand are the Thai Arbitration Institute (TAI) and the Thailand Arbitration Center (THAC), both of which handle a wide range of commercial claims.

2. What are the main procedural rules governing litigation in your jurisdiction?

In general, the Civil Procedure Code and Criminal Procedure Code are considered the main procedural rules governing civil and criminal litigation respectively. However, certain types of cases fall under the jurisdiction of specialized courts, which are governed by specific procedural laws. For example, the administrative cases are governed by the Act on Establishment of Administrative Courts and Administrative Court Procedure, B.E. 2542 (1999).

3. What is the structure and organisation of local courts dealing with claims in your jurisdiction? What is the final court of appeal?

Thailand has a dual court system, consisting of the Court of Justice and specialized courts, such as the Administrative Court and the Constitutional Court, each with its own jurisdiction and procedural rules.

The Court of Justice, which handles the majority of civil and criminal matters and is considered the local court system, is structured into three (3) tiers: the court of first instance, the court of appeal, and the Supreme Court.

While the appeal to the Court of appeal is considered as the right of the appellant, the appeal to the Supreme Court works differently between civil and criminal litigation. For criminal litigation, the appellant is entitled to file an

appeal to the Supreme Court, subject to the conditions stipulated under the Criminal Procedure Code. On the other hand, the appellant in civil litigation has to obtain an approval to file an appeal to the Supreme Court first, where the ground for such approval is limited under the Civil Procedure Code as it requires the opinion of the Supreme Court that such matter is deemed significant such as a matter related to public interest or public order, or it appears that the court of appeal determines a significant question of law in a manner of discrepancy or contrary to a Supreme Court precedent.

4. How long does it typically take from commencing proceedings to get to trial in your jurisdiction?

The time frame for litigation proceedings in Thailand is now more controlled than before due to the Act on the Time Limit for Conducting the Judicial Procedure B.E. 2565 (2022), which regulates government entities in judicial system including courts to set out a standard of time frame for proceedings. As a result, the Office of Judiciary issued the Judicial Regulation on the Timeframe for Court Cases B.E. 2566 (2023) (the "**Judicial Regulation**"), effective from 24 January 2023, to determine the timeframe for the proceedings in Thai courts from submitting the claims until the judgment is rendered. According to the Judicial Regulation, the timeframe of a litigation varies subject to the complexity of the litigation and whether it is a civil case or criminal case, which ranges from six (6) months to one (1) year.

From our observation after the Judicial Regulation has been in effect, even though most litigation still cannot be completed within the timeframe specified by the Judicial Regulation, the courts have shown a clear tendency to expedite the process as much as possible. Unfounded requests for postponements or extensions are generally not permitted, as the courts aim to adhere as closely as possible to the designated schedule. In practice, once the claim is submitted, the court would schedule the first hearing for both parties to meet and determine whether there is any chance for settlement, or if not, determine disputed issues for the trial. This first hearing is normally scheduled around two (2) months after the claim is submitted. If the case proceeds to trial, the schedule for the trial in practice takes around four (4) to eight (8) months after the first hearing, subject to the court diary at

the time.

5. Are hearings held in public and are documents filed at court available to the public in your jurisdiction? Are there any exceptions?

The right to a public trial was recognized in the 2007 Constitution of Thailand, but it is not explicitly guaranteed in the current Constitution. However, the Thai judicial system in general still upholds the right to a public hearing as indicated under the general procedural rules, subject to certain conditions as follows:

In criminal litigation, Section 172 of the Criminal Procedure Code provides that the trial and the taking of evidence shall be conducted in open court and in the presence of the accused. However, Section 177 of the Criminal Procedure Code allows the court to issue an order that the trial be held in confidential for the purpose of public policy, good morals, or national security.

In civil litigation, Section 36 of the Civil Procedure Code also confirms that the hearing is to be taken place in the presence of the party appearing in the court and in open court. This is subject to certain reservations which allow the judge to prohibit some parties from attending the hearing or conducting the hearing in confidential.

With regard to the documents filed at courts, there is no channel to provide accessibility to court files for the public. However, Section 54 of the Civil Procedure Code, which is adopted to criminal litigation by Section 15 of the Criminal Procedure Code, allows the parties, the witnesses, or the third party having a legitimate interest or reasonable grounds to inspect the court file or request for a copy of documents with certification of the court officer. That said, summaries of Supreme Court judgments in Thai are available online and accessible to the public.

6. What, if any, are the relevant limitation periods in your jurisdiction?

The limitation periods for litigation in Thailand are stipulated in substantive laws as statute of limitations, which varies subject to the subject matter of the dispute.

For civil cases, the statute of limitations is prescribed in the Civil and Commercial Code ("CCC"). The default statute of limitations for a general breach of contract, provided that there is no other prescription stipulated otherwise for such particular contract, is 10 years. For a claim for compensation based on a wrongful act (i.e.,

tort), the statute of limitations is one (1) year from the day when the wrongful act and the person bound to make compensation became known to the injured person, or 10 years from the day when the wrongful act was committed.

For criminal cases, the statute of limitations is prescribed in the Penal Code, which is subject to the severity of the sentence prescribed to an offense on which the claim is based. It is worth noting that for compoundable offenses, the injured party is required to lodge a complaint with the inquiry official within three (3) months from the date of the offense and the offender became known to the injured party, otherwise the claim will be time-barred.

7. What, if any, are the pre-action conduct requirements in your jurisdiction and what, if any, are the consequences of non-compliance?

There is no requirement for pre-action conduct as a procedural rule prior to initiating a litigation. However, the CCC provides requirements before filing a lawsuit for some claims. For instance, prior to filing a lawsuit to enforce a mortgage or a guarantee, the creditor is required to issue a demand notice to the debtor / guarantor and grant a sufficient period (at least 60 days for mortgage) for the debtor / guarantor to make payment before initiating the claim. If the plaintiff fails to comply with such requirements, the claim will be dismissed.

8. How are proceedings commenced in your jurisdiction? Is service necessary and, if so, is this done by the court (or its agent) or by the parties?

In Thailand, a lawsuit is commenced by filing a complaint with the court. The plaintiff is required to pay the court fee at the time of filing the lawsuit. In general, for a complaint without any monetary claims, the court fee for filing the lawsuit is THB 200. For a complaint with monetary claims, the court fee is calculated at the rate of 2% of the claims not exceeding THB 50 million and with the threshold of THB 200,000. For the amount above THB 50 million, the court fee will be calculated at the rate of 0.1%. However, the Table 1 of the Civil Procedure Code provides other different rates of the court fee for certain claims such as the enforcement or revocation of an arbitral award.

The plaintiff is required to prepare a copy of the complaint for each defendant of the case. The service of the summon and the copy of the complaint to the defendant is proceeded by the court officer. The plaintiff

also has to pay for the service fee, which is varied depending on the domicile of the defendant.

9. How does the court determine whether it has jurisdiction over a claim in your jurisdiction?

For a civil case in general, the court of a district where the defendant resides or where the cause of dispute occurred has jurisdiction over the claim. If the claims involve a request to enforce against a real property, the jurisdiction of the court will also cover the district where the real property situates. However, if the defendant does not reside in Thailand, Thai courts still have jurisdiction over the claim as long as the plaintiff is a Thai national or resides in Thailand.

For a criminal case, the court of a district where the defendant resides or where the defendant was arrested or where the inquiry official conducted the inquiry has jurisdiction over the claim.

However, there are also other factors which govern the jurisdiction of Thai courts. For example, the claimed amount and the severity of a criminal offense. Pursuant to the Law for the Organization of the Court of Justice, the district court has jurisdiction over a claim with monetary damages below THB 300,000 or a criminal complaint of an offense punishable by a maximum imprisonment of not more than three (3) years or a fine of not more than THB 60,000 or both. Also, if the subject matter of the claim contains elements which falls within the realm of specialized courts in Thailand, the claims may be entitled to the jurisdiction of specialized courts including:

- i. Bankruptcy Court
- ii. Intellectual Property & International Trade Court
- iii. Juvenile and Family Courts
- iv. Labor Courts
- v. Administrative Courts

10. How does the court determine which law governs the claims in your jurisdiction?

In the absence of any foreign element, domestic Thai law applies. Thailand has several principal codes that govern the core areas of law, including:

1. The Civil and Commercial Code
2. The Criminal Code
3. The Civil Procedure Code
4. The Criminal Procedure Code

For specific types of disputes, courts will refer to the relevant special legislation. For example, in cases

involving intellectual property, applicable laws may include the Trademark Act, Patent Act, and Copyright Act, among others.

However, when a dispute involves foreign or international elements, the determination of the applicable law is governed by the Act on Conflict of Laws B.E. 2481 (1938). This statute provides the legal framework for identifying which country's laws should apply to specific issues in private international law cases.

Under the said Act, the Thai courts will examine the nature of the legal relationship or claim—such as contracts, torts, family matters, or succession—and apply the conflict of law rules set out in the Act to determine the applicable substantive law.

Where no Thai conflict rule is directly applicable, Thai courts may also rely on general principles of private international law. Furthermore, Thai law will not apply foreign law if it is contrary to Thai public order or good morals (Section 5 of the Act).

11. In what circumstances, if any, can claims be disposed of without a full trial in your jurisdiction?

Claims may be disposed without full trial in Thailand on the following circumstances:

1. The plaintiff withdraw the case before the defendant submits the answer to the complaint (Section 175 of the Civil Procedure Code).
2. Both parties are in default of the taking evidence (Section 201 of the Civil Procedure Code).
3. The plaintiff is in default of the taking evidence (Section 201 of the Civil Procedure Code).

12. What, if any, are the main types of interim remedies available in your jurisdiction?

Thailand provides several types of interim remedies under the Civil Procedure Code aimed at preserving the status quo and ensuring the effectiveness of final judgments. Security for costs under Section 253 allows defendants to request that plaintiffs deposit money or provide security for court fees and costs when the plaintiff lacks domicile or assets in Thailand, or where there are reasonable grounds to believe the plaintiff will avoid payment if the claim be unsuccessful.

Pre-judgment relief under Section 254 enables plaintiffs to seek court orders for (i) asset seizure or attachment of disputed property or defendant's assets, including money

owed to defendants by third parties, (ii) temporary injunctions to prevent continued breach of contract or tortious acts, or to prohibit asset transfers and disposal, (iii) suspension of registration or modification of registrations related to disputed property, and (iv) temporary detention of defendants in certain circumstances.

Other protective measures under Section 264 include orders for depositing disputed assets with the court or third parties, appointing managers or custodians for disputed businesses, and placing incapacitated persons under external guardianship.

These remedies are discretionary and typically require the applicant to demonstrate urgency, necessity, and potential irreparable harm if the order is not granted. In some cases, the applicant may also be required to post a security or bond.

13. After a claim has been commenced, what written documents must (or can) the parties submit in your jurisdiction? What is the usual timetable?

Once a complaint is filed with the court, the court will schedule the first hearing approximately one (1) – two (2) months thereafter and serve a summons along with a copy of the complaint to the defendant for filing a statement of defence. After receiving the summons, the defendant has 15 days to file their statement of defence. Failure to respond within this timeframe will result in the court accepting the plaintiff's alleged facts as true. The defendant may file a counterclaim together with the statement of defence if applicable, and the plaintiff may reply to the counterclaim within 15 days after the court orders such action.

At the first hearing, the court will inquire about the parties' willingness to settle the dispute through negotiation. In some cases, the court may refer the case to a mediation session if there is a chance that the parties could reach settlement. If settlement negotiations are unsuccessful, the court will identify the disputed issues and schedule the witness examination hearing, which typically takes place within four (4) – eight (8) months following the initial hearing.

14. What, if any, are the rules for disclosure of documents in your jurisdiction? Are there any exceptions (e.g. on grounds of privilege,

confidentiality or public interest)?

Thailand does not employ a comprehensive pre-trial discovery system. However, parties may request court orders compelling document production under Section 123 of the Civil Procedure Code, subject to judicial discretion based on relevance and necessity.

Disclosure exceptions include (i) attorney-client privilege under the Lawyers Council Ethics Regulation B.E. 2529 (1986), Clause 11, (ii) classified government information under applicable confidentiality laws, and (iii) documents whose disclosure may compromise public order or national interest. The court balances the requirements of justice against the protection of privileged or sensitive information when considering disclosure applications.

15. How is witness evidence dealt with in your jurisdiction (and in particular, do witnesses give oral and/or written evidence and what, if any, are the rules on cross-examination)? Are depositions permitted?

Thai courts primarily rely on oral testimony given in court. Witness examination follows the sequence of direct examination, cross-examination, and re-examination on matters arising from cross-examination. Leading questions are permitted only during cross-examination under Sections 117-118 of the Civil Procedure Code.

Written statements may be submitted in advance with court approval and party consent, but these require oral confirmation in court to constitute full evidence, except in exceptional circumstances under Sections 120/1-120/2 of the Civil Procedure Code. All testimony must be in Thai, requiring interpreters for non-Thai speakers.

Depositions in the common law sense are not permitted. All witness questioning outside court must be conducted before a judge or legally authorized officer under Section 102 of the Civil Procedure Code.

16. Is expert evidence permitted in your jurisdiction? If so, how is it dealt with (and in particular, are experts appointed by the court or the parties, and what duties do they owe)?

Expert evidence is permitted under Sections 99 and 129-130 of the Civil Procedure Code. Experts may be appointed by either parties or the court. Court-appointed experts owe duties of impartiality and professional objectivity to the court, providing independent technical

opinions on specialized matters. Party-appointed experts remain subject to cross-examination, with the court ultimately determining the weight of their testimony. Common expert appointments include medical professionals, engineers, financial auditors, property valuers, and technical specialists relevant to the subject matter of the dispute.

17. Can final and interim decisions be appealed in your jurisdiction? If so, to which court(s) and within what timescale?

Both final judgments and certain interim orders may be appealed in Thailand. Appeals from courts of first instance to the Court of Appeal must be filed within 30 days from the date of judgment delivery and are considered a right of the appellant. Civil appeals to the Supreme Court require prior leave, with applications filed within 30 days of the Court of Appeal judgment. Grounds for seeking leave are limited under Section 249 of the Civil Procedure Code. For criminal cases, appeals to the Supreme Court remain as of right under Section 216 of the Criminal Procedure Code.

Interim orders may be appealed if they significantly affect party rights, such as jurisdictional denials or injunction refusals under Sections 226 and 228 of the Civil Procedure Code.

18. What are the rules governing enforcement of foreign judgments in your jurisdiction?

Thailand does not automatically recognize foreign court judgments. Enforcement requires initiating fresh proceedings in Thai courts, using the foreign judgment as supporting evidence. Recognition criteria include (i) final and conclusive nature of the foreign judgment, (ii) proper jurisdiction of the foreign court under international law principles, (iii) compliance with Thai public order and good morals, and (iv) adequate procedural protection for the defendant's rights.

Arbitral awards benefit from the New York Convention 1958 to which Thailand is a signatory, providing more streamlined enforcement procedures compared to court judgments.

19. Can the costs of litigation (e.g. court costs, as well as the parties' costs of instructing lawyers, experts and other professionals) be recovered from the other side in your

jurisdiction?

Thailand does not apply a comprehensive "loser pays" principle. Recoverable costs include court fees and filing costs, reasonable and necessary litigation expenses, and attorney's fees at court-determined rates rather than actual fees paid. Courts exercise discretion under Section 161 of the Civil Procedure Code considering case complexity and reasonableness. Successful parties typically recover partial, not full, costs incurred.

20. What, if any, are the collective redress (e.g. class action) mechanisms in your jurisdiction?

Thailand recognizes class actions under Sections 222/1-222/49 of the Civil Procedure Code, enabling groups with similar claims to pursue collective litigation. Requirements include a sufficient number of affected persons, common questions of law or fact, court certification of the class, and adequate representation of class interests.

Thai class actions follow an opt-out system. Once certified by the court, all persons with similar claims automatically join the class. To avoid being bound by the final judgment, individuals must opt out within at least 45 days of notice. Non-opt-outs are bound and cannot refile the same claim. While legally available, class actions remain uncommon, primarily utilized in consumer protection, environmental law, and securities disputes. Alternative mechanisms include representative actions and lawsuits filed by public interest organizations or consumer protection agencies.

21. What, if any, are the mechanisms for joining third parties to ongoing proceedings and/or consolidating two sets of proceedings in your jurisdiction?

Third-party joinder is available through intervention mechanisms under Section 57 of the Civil Procedure Code, including: (i) third parties joining as independent parties with separate interests, (ii) third parties joining as co-plaintiffs or co-defendants alongside existing parties, and (iii) impleader where existing parties bring in third parties who may have related liability or interests in the dispute.

Case consolidation under Section 28 permits combining related proceedings involving similar parties or legal/factual issues, subject to court discretion to improve efficiency and prevent inconsistent judgments.

22. Are third parties allowed to fund litigation in your jurisdiction? If so, are there any restrictions on this and can third party funders be made liable for the costs incurred by the other side?

Third-party litigation funding lacks explicit statutory regulation but faces significant restrictions under Thai public policy. Commercial litigation funding is generally considered contrary to public order and legal ethics, with courts potentially voiding such arrangements.

No clear framework exists for holding third-party funders liable for opposing party costs. In practice, funding is limited to informal assistance from relatives or business associates rather than commercial funding arrangements. Parties should exercise caution due to potential legal and ethical risks.

23. What has been the impact of the COVID-19 pandemic on litigation in your jurisdiction?

The pandemic initially caused significant case delays and backlogs due to lockdown measures and social distancing requirements. Court adaptations include (i) introduction of video conferencing for certain hearings, (ii) electronic filing through the Court Integral Online Service (CIOS) system, (iii) adjusted scheduling to accommodate health protocols, and (iv) enhanced digital case management systems.

The pandemic accelerated digital transformation in Thailand's judicial system, with technology adoption expected to continue post-pandemic, improving both efficiency and access to justice despite initial challenges. Courts now actively encourage alternative dispute resolution to manage caseloads more effectively.

24. What is the main advantage and the main disadvantage of litigating international commercial disputes in your jurisdiction?

The main advantage of litigating international commercial disputes in Thailand is the promotion of settlement. Thai courts generally encourage parties to reach a resolution at any stage of the proceedings by facilitating swift settlements with binding effect, which often lead to a commercially viable outcome.

On the other hand, the main disadvantages include:

- i. Limited judicial expertise in specialized areas involving technical or complex subject matter.
- ii. Language barrier. All document has to be translated in Thai, and the testimony is required to be made in Thai, hence the incurred cost of translation and an interpreter.
- iii. The continued reliance on paper-based documentation. Evidence-taking procedures predominantly depend on physical documents, which can pose challenges in cases involving new or emerging technologies.

25. What is the most likely growth area for commercial disputes in your jurisdiction for the next 5 years?

From our observations, the most likely growth area for commercial disputes in Thailand still remains with the corporate disputes amongst shareholders and directors. The surge of construction projects and investment may also lead to construction and infrastructure disputes.

26. What, if any, will be the impact of technology on commercial litigation in your jurisdiction in the next 5 years?

The courts may encourage the use of technology to reduce the reliance on the paper-based filing. The AI technology could also help systemize the data base of case precedents for legal practitioners.

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