

## Not All the Cases Can Be Appealed to the Supreme Court of Thailand

The mainstream Courts of Justice in Thailand are the Courts of First Instance (“CFI”), the Appeal Courts (“AC”), and the Supreme Court (“SC”). Thailand also has specialized courts, such as the Intellectual Property and International Trade Court, the Tax Court, the Labor Court, the Administrative Court and the Constitutional Court.

If a party to a case disagrees with a judgment or order of the CFI, such party can file an appeal with the AC and the SC respectively provided that the appeal meets the appeal requirements prescribed under the Civil Procedure Code (for a civil case) or the Criminal Procedure Code (for a criminal case). However, for the civil case, the judgment or order of the AC is deemed final and, as a result, an appeal to the SC can be filed only if the SC grants permission for filing the appeal.

A party to a civil case who wishes to file an appeal with the SC must file a petition for an SC’s permission to file an appeal (“**Petition for Permission**”) with the full appeal with the CFI within one month from the date of reading of the AC’s judgment or order. This filing period of one month can be extended if the appellant files a petition for extension of time with the CFI. The petition for extension of time can be filed via the e-filing website of <https://efiling3.coj.go.th>, or the Court Integral Online Service (CIOS) system, or by hand delivery to the CFI.

The SC will grant the Petition for Permission only if the appeal is on or related to one of the “significant matters” under Sections 247 and 249 the Civil Procedure Code and Clause 13 of the Regulation of the President of the Supreme Court Regarding Permission to Appeal in the Civil Case as follows:

- (1) the matter of the appeal is related to the public interest or the public order;
- (2) the judgment or order of the AC is on a significant legal issue inconsistent with or contrary to the general precedents or orders of the SC;
- (3) the judgment or order of the AC is on a significant legal issue which the SC has not yet given any precedent;
- (4) the judgment or order of the AC is contrary to the final judgment or order of other courts;
- (5) the appeal is on the issue which is beneficial to the development of legal interpretation;
- (6) the judgment or order of the AC is subject to a significant dissent opinion; and
- (7) the judgment or order of the AC is not in line with the international agreements that are binding on Thailand.

Once the appellant files the Petition for Permission and the appeal with the CFI, the CFI will forward them to the SC. On the appeal filing date, the appellant must also deposit with the CFI the court fee and the judgment debt payable to the other party per the judgment or order of the AC. The other party to the case is entitled to submit an objection petition to the appellant’s Petition for Permission.

If the SC rejects the appellant’s Petition for Permission, the judgment or order of the AC shall become final from the date of its reading. If the SC grants the Petition for Permission, the other party to the case can submit an answer to the appellant’s appeal within 15 days from the date of reading of the SC’s order granting the Petition for Permission. The SC grants or rejects the Petition for Permission in around one year after the CFI forwards the Petition for Permission and the appeal to the SC.



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