



## CC Art. 48

# Non-Performance and Remedies

## TITLE 04 — OBLIGATIONS AND CONTRACTS · CHAPTER 03 — EFFECTS AND PERFORMANCE

- 1 Where the debtor fails to perform, the creditor may:
  - a. Demand specific performance, where this is not impossible or disproportionately onerous.
  - b. Claim damages for loss suffered as a result of the non-performance.
  - c. Withhold the creditor's own performance, where the obligations are reciprocal.
  - d. Terminate the contract, where the non-performance is fundamental.
- 2 Non-performance is fundamental where it substantially deprives the creditor of what the creditor was entitled to expect under the contract.
- 3 Damages comprise the loss actually suffered and the gain of which the creditor was deprived, to the extent that such loss was foreseeable at the time of contracting.
- 4 The creditor must take reasonable steps to mitigate loss. Loss that could have been avoided by reasonable measures is not recoverable.

DOCUMENT INFORMATION	
CITATION	CC Art. 48 — “Non-Performance and Remedies”, <i>Civil Code of Kaharagia</i> (2026).
STATUS	In force
SOURCE	<a href="https://kahalex-v2.kaharagia.org/article/civil/48">https://kahalex-v2.kaharagia.org/article/civil/48</a>