

Appeals: under the Code of Civil Procedure

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Synopsis:

Provisions-
Sections – 96 to
112 & Order 41
to 45

Introduction

First Appeals: Sections 96 to 99 – A, 107 and Order 41

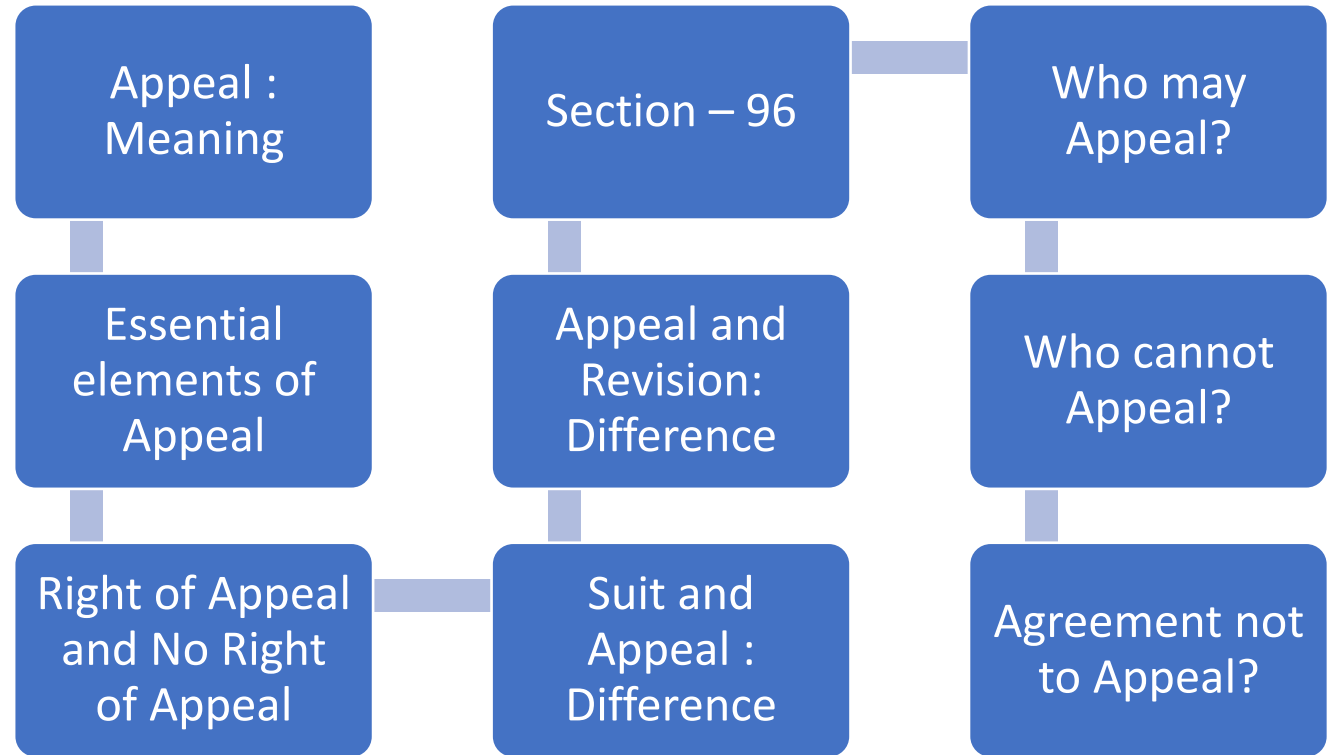
Second Appeals: Sections 100 –103, 107, 108 & Order – 42

Appeals from Orders: Sections 104 – 108 & Order – 43

Appeals by Indigent Persons: Order – 44

Appeals to Supreme Court: Sections 109, 112 & Order - 45

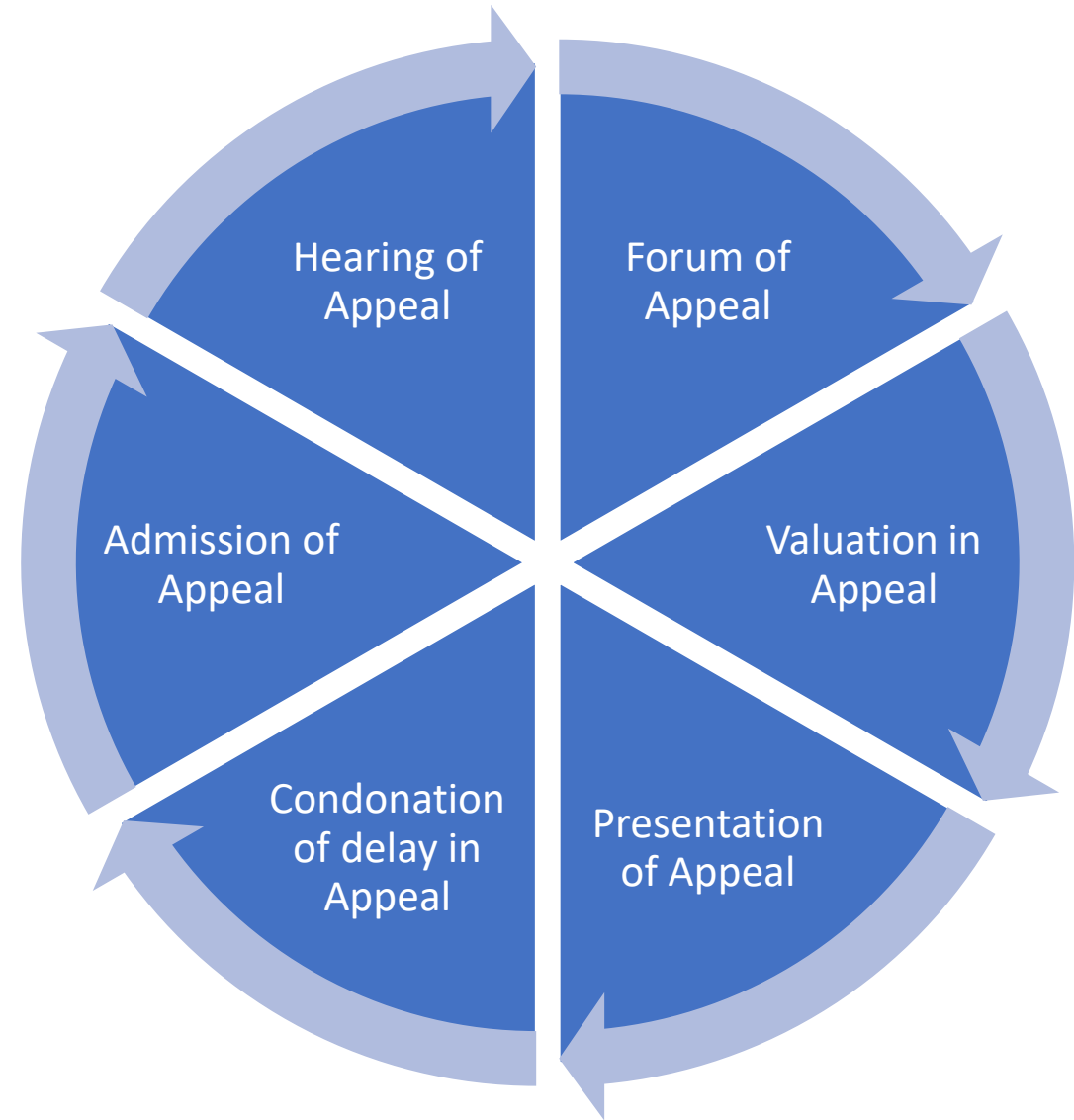
Introduction



Important Heads:

- Appeal against ex-party decree
- No Appeal against consent decree
- No Appeal against petty cases
- Appeal against preliminary decree
- No Appeal against final decree, where no appeal against preliminary decree
- Appeal against judgment
- Limitation
- Form of Appeal
- Memorandum of Appeal

Important Heads:



Procedure at Hearing of Appeal

Right to begin

Dismissal for
default

Restoration

Ex-party
hearing and
rehearing

Addition of
Respondant

Powers of Appellate Court: Sec. 107, R- 23-28, 33.

Power	To decide a case finally
Power	To Remand
Power	To frame issues and refer matter for trial
Power	To take additional evidence
Power	To modify decree

Duties of Appellate Court:

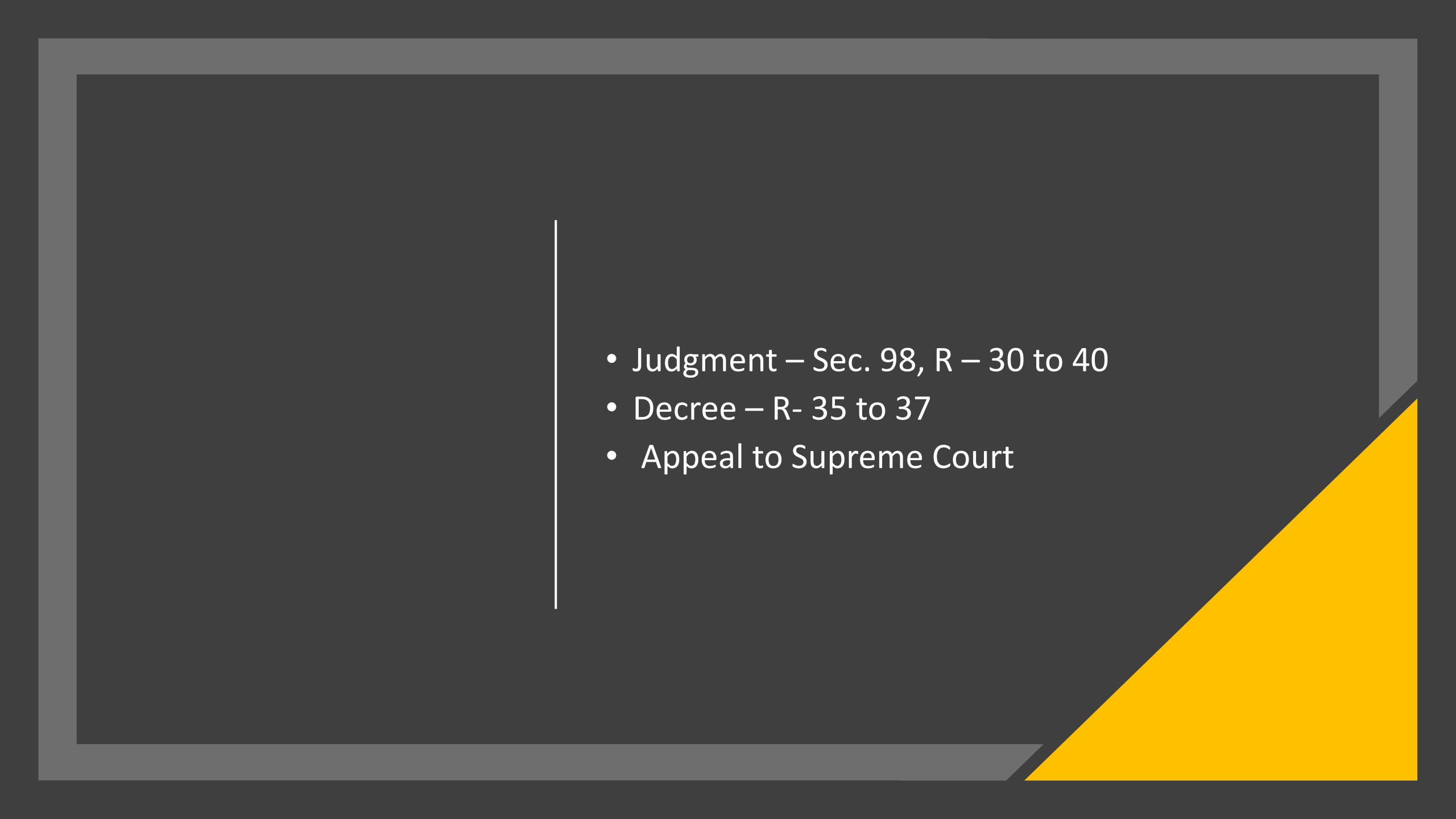
Duty to decide
Appeal finally

Duty not to
interfere with
decree for
technical errors

Duty to appreciate
evidence

Duty to record
reasons

Other duties

- 
- Judgment – Sec. 98, R – 30 to 40
 - Decree – R- 35 to 37
 - Appeal to Supreme Court

Thank You for watching

