



# Appeals under the Code of Civil Procedure, 1908 (CPC)

**Meaning** - An appeal is a legal remedy where the aggrieved party requests a higher court to review and modify the decision of a lower court.

## ***Important Rule:***

**An appeal is not a new trial — it is a review of the correctness of the judgment.**

# 01

## First Appeal

<b>Meaning:</b>	A First Appeal is a complete re-examination of both facts and law by a higher court against the decree of a trial court.
<b>Relevant Sections</b>	Sections 96 to 99 CPC
<b>Appeals from</b>	Original decrees (final judgments)

### Who Can File

- A party to the suit who is aggrieved by the judgment (plaintiff/defendant)
- Legal representatives of deceased party
- Assignee of the interest in the decree

### Grounds

- Incorrect interpretation of law
- Incorrect appreciation of evidence
- Procedural irregularity

### Example

*Trial Court passes decree in favor of A. B believes judgment is wrong  
→ B can file First Appeal in the District Court / High Court (depending on hierarchy).*

# 02

## Second Appeal

<b>Meaning:</b>	A Second Appeal can only be filed on a substantial question of law — the High Court examines whether legal principles were correctly applied, not factual issues.
<b>Relevant Sections</b>	Section 100 CPC
<b>Appeals from</b>	First Appellate Court's decree
<b>Key Requirement:</b>	There must be a <b>Substantial Question of Law</b> .

### Who Can File

- The party aggrieved by the First Appellate Court's judgment.

### Grounds

- Misinterpretation of a legal provision
- Failure to apply binding precedent
- Question affects rights of parties generally

### Example

*Lower Court → First Appeal → High Court (only if substantial law question exists).*

# 03

## Appeal to the Supreme Court (Civil Appeal)

<b>Meaning:</b>	A Civil Appeal to the Supreme Court is filed when a High Court judgment involves a substantial question of law of general importance or causes grave injustice.
<b>Relevant Article</b>	Article 133, Constitution of India

### Who Can File

- Party aggrieved by High Court judgment, if:
  - The case involves a substantial question of law of general importance, and
  - The High Court certifies it fit for appeal, or
  - Appeal allowed under Special Leave Petition (SLP) (Art. 136).

### Grounds

- Matter affects public importance
- Arbitrary or grossly unjust decision
- Violation of fundamental or constitutional rights

### Example

*High Court upholds eviction decree but case affects interpretation of tenancy law → may be appealed to Supreme Court.*

# 04

## Appeals from Orders

<b>Meaning:</b>	An Appeal from Order is filed against certain specified interim orders that substantially affect a party's rights during the trial.
<b>Relevant Section</b>	Section 104 & Order 43 CPC

### Who Can File

- Party aggrieved by specific interim orders, e.g.:
  - Order granting or refusing injunction
  - Order rejecting plaint
  - Order returning plaint for presentation elsewhere

### Grounds

- Order causes serious prejudice or affects rights during trial.

### Example

*Court refuses temporary injunction → party may file Appeal from Order.*

# 05

## Appeal by Indigent Person

<b>Meaning:</b>	An Indigent Appeal allows a person without sufficient means to file an appeal without paying court fees, subject to court's permission.
<b>Relevant Provision</b>	Order 44 CPC

### Who Can File

- Person who cannot afford court fees.

### Grounds

- Must prove lack of sufficient means.

### Example

*A poor litigant files first appeal as indigent person without paying court fees.*

# 06

## Letters Patent Appeal (LPA)

(Available only where High Court Letters Patent permit —  
e.g., Bombay, Delhi, Calcutta, Madras High Courts)

<b>Meaning:</b>	A Letters Patent Appeal (LPA) is a second-level intra-court appeal filed against the decision of a Single Judge to a Division Bench of the same High Court, where permitted.
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### Who Can File

- Party aggrieved by Single Judge order of High Court (civil matters).

### Grounds

- Error in judgment by Single Judge.

### Exceptions:

*No LPA in writ petitions under Article 226/227 in many states.*



# Hierarchy Chart (Simple)

Stage	Court	Appeal Goes To
Trial Court	Civil Judge / District Court	First Appeal → District Court / High Court
First Appellate Court	District Court / High Court	Second Appeal → High Court (only on substantial question of law)
High Court	Division Bench or Single Judge	Supreme Court (Art. 133 or SLP Art. 136)

## Quick Summary Table

Type of Appeal	Section	Who Can File	Key Requirement
First Appeal	S.96	Aggrieved party	Error in facts/law
Second Appeal	S.100	Aggrieved by First Appeal	Substantial question of law
Appeal to SC	Art.133 / 136	Aggrieved by HC	Question of general importance
Appeal from Order	S.104 + O.43	Aggrieved party	Against specified interim orders