

CHAPTER 14
Appeals and Revisions —Civil
PART A. —THE APPELLATE SYSTEM OF THE PUNJAB

1. Classes of appellate courts:- There are four classes of Appellate Courts in the Punjab —the High Court; the Court of the District Judge; the Court of the Additional Judge, if so directed by the District Judge under Section 21 (2) of the Punjab Courts Act ; and the Court of the Subordinate Judge of the 1st Class, if so empowered by a Notification issued by the High Court, under Section 39 (3) of the Punjab Courts Act.

Appellate powers of Senior Sub- Judges:- By High Court Notification No. 170-Gaz./XXI-C-6, dated the 16th of May, 1935, as amended by Notification No. 53-Gaz./XXI-C. 6, dated the 23rd February, 1940, the Senior Subordinate Judge of the first class in each Civil District of the Punjab has been invested with appellate powers in respect of decrees or orders passed by any Subordinate Judge in a small cause of a value not exceeding Rs. 500 and in an unclassified suit of a value not exceeding Rs. 100. High Court Notification No. 171-Gaz./XXI-C.6, dated the 16th of May, 1935, similarly empowers the Senior Subordinate Judge of the first class in respect of the Union territory of Delhi.

Enhanced powers of Senior Sub- Judges:-Some Senior Subordinate Judges of the first class have been invested personally with enhanced appellate powers in respect of decrees or orders passed by any Subordinate Judge to the following extent: -

- (a) in a small cause of a value not exceeding Rs. 1,000 (one thousand);
- (b) in a land suit of a value not exceeding Rs. 250 (two hundred and fifty), and
- (c) in an unclassified suit of a value not exceeding Rs. 500 (five hundred).

For the notifications quoted in this paragraph see Chapter 20-B, paragraph IV.

2. Forum of appeal:- (i) An appeal from a decree or order of a Subordinate Judge lies: -

- (a) to the Subordinate Judge, 1st Class, if specially empowered as indicated in paragraph 1 above;
- (b) to the District Judge, where the value of the original suit concerned does not exceed Rs, 5,000;
- (c) to the High Court, where the original suit concerned is of a value exceeding Rs. 5,000.

(ii) An appeal from a decree or order of a District Judge or Additional Judge exercising original jurisdiction lies to the High Court.

3. Forum of appeal:- When a Senior Subordinate Judge of the first class has been invested with appellate powers under section 39 (3) of the Punjab Courts Act, all appeals from decrees or orders of Subordinate Judge of the first, second, third and fourth classes, which such Senior Subordinate Judge has been empowered to hear, shall be preferred to such Senior Subordinate Judge.

4. Withdrawal of appeal from and transfer to sub-Judges:-If any such appeal is pending before a District Judge the latter may transfer it to any Subordinate Judge under his administrative control competent to dispose of it. He may also withdraw any appeal so transferred, and either dispose of it himself, or transfer it to any competent Court under his administrative control (Section 40 of the Punjab Courts Act).

5. Section 41 of the Punjab Courts Act lays down the conditions under which a second appeal lies to the High Court from a decree passed in appeal by a court subordinate to the High Court. Section 42 (2) lays down that no second appeal shall lie in a "Small Cause" of a value not exceeding Rs. 500.

6. Appeal in compromise cases:-Section 96 (3) of the Code of Civil Procedure provides that no appeal shall lie from a decree passed with consent of parties.

7. Appeal from preliminary decrees:-Section 97 of the Code provides that a preliminary decree, which has not been appealed against, shall not be questioned in any appeal preferred from the final decree.

8. Appeal from orders:- An appeal lies from any order of the kinds specified in section 104 of the Code and Order XLIII, Rule I, and from no other orders (see the first 13 words of Section 38 (1) of the Punjab Courts Act, 1918.