

Workshop For Additional District Judges
on
“Criminal Justice Administration”
Appellate and Revision Jurisdiction of District Judges



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CIVIL JURISDICTION

TWO TYPES OF APPEALS

Regular Civil Appeals u/s. 96 – against judgment and decrees of original jurisdiction.

Wide Powers :-

- Has to re-appraise entire evidence.
- Last fact finding Court.
- Has to give finding on all questions of fact and law, after appreciation of evidence, and give detail reasoning.

- Can set aside Judgment of Trial Court;
- Can confirm Judgment of Trial Court;
- Can remand the matter;
- Can record additional evidence;
- No restriction on its powers.

Miscellaneous Civil Appeals – against orders only – If order is discretionary – like temporary injunction – Scope – very limited – cannot substitute its own view, if view taken by the Trial Court is plausible view.

U. Manjunath Rao Vs. U. Chandrashekhar

[S.C. – 4th Aug.]

- In all civil cases, while dismissing Appeal, Appellate Court has to do more than just quoting passages from the judgment of Trial Court.
- It has to elucidate, analyze and arrive at the conclusion that Appeal is devoid of merit.
- Reason is the life of law.
- Mere concurrence does not meet requirement of law.
- Expression of general agreement with the finding recorded by Trial Court – should not be a device or camouflage adopted for shirking duty cast upon it.

Both the expressions – **“Appeal”** and **“Revision”** used in some Statutes, with purpose and significance, connote different meanings.

“Revision” – narrower jurisdiction than Appeal.

“Appellate Jurisdiction” – involves re-hearing.

Gandhe Vijay Kumar Vs. Mulji @ Mulchand

[Date of Judgment : 27th July 2017]

- In Revisional Jurisdiction, merely because another view is possible, the Court cannot upset the factual finding.
- Only expected to see whether findings of the Court below are illegal or perverse in a sense that a reasonably informed person will not enter such a finding.
- Landlord–Tenant dispute – concurrent finding of *bona fide* requirement – cannot be disturbed in ‘revision’.

