



“बेटी बचाओ, बेटी पढ़ाओ” JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY, JAIPUR

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NAAC Accredited University

Faculty of Law and Governance

Faculty Name- Ms. Tripti Negi

Program- BA LLB, LLB, Semester 6th

Course Name- Civil Procedure Code

Session No.& Name – 2023-2024

Date: 25 May 2024

Academic Day starts with –

Greeting with saying ‘Namaste’ by joining Hands together following by 2-3 Minutes Happy session, Celebrating birthday of any student of respective class and National Anthem.

Lecture Starts with-

Review of previous Session

National song’ VandeMataram’

Subject Name – Civil Procedure Code

Topic – Appeals to the Supreme Court under the Civil Procedure Code, 1908: Procedures, Grounds, and Implications

Introduction

In the hierarchy of courts in India, the Supreme Court stands as the apex judicial body, wielding authority over matters of law and justice. Under the Civil Procedure Code (CPC) of 1908, provisions are laid out for appeals to be made to the Supreme Court from lower courts. This note explores the procedural aspects, grounds, and implications of appeals to the Supreme Court under the CPC, elucidating the significance of this legal recourse in the Indian judicial system.

Procedures for Appeals to the Supreme Court

1. **Right to Appeal:** The right to appeal to the Supreme Court is not absolute and is subject to certain conditions as prescribed by law. Typically, appeals to the Supreme Court are made from the High Courts or from certain specified tribunals or courts.

2. **Leave to Appeal:** In most cases, an appeal to the Supreme Court requires the grant of special leave to appeal (SLP), which is discretionary and not automatically granted. Parties seeking to appeal must file a petition for SLP, detailing the grounds on which leave to appeal is sought.

3. **Filing of Appeal:** Once leave to appeal is granted, the appellant must file the appeal petition along with the necessary documents, including a copy of the judgment or order being appealed against, within the prescribed time limit as per the rules of the Supreme Court.

4. **Hearing of Appeal:** The Supreme Court will then list the appeal for hearing before a bench of judges. The parties to the appeal may be required to submit written submissions or present oral arguments before the court.

5. **Judgment:** After considering the arguments and evidence presented by the parties, the Supreme Court will deliver its judgment, either affirming, modifying, or setting aside the judgment or order of the lower court.

Grounds for Appeals to the Supreme Court

1. **Substantial Question of Law:** Appeals to the Supreme Court typically involve a substantial question of law of general importance that needs to be decided by the highest court of the land. The Supreme Court has jurisdiction to hear appeals on questions of law arising from the judgments or orders of lower courts.

2. **Error of Law:** Appeals may also be made to the Supreme Court on the ground of an error of law apparent on the face of the record, where there has been a misapplication or misinterpretation of the law by the lower court.

3. **Jurisdictional Issues:** Appeals to the Supreme Court may involve jurisdictional issues, such as disputes regarding the territorial jurisdiction of the lower court, questions of constitutional validity, or conflicts of jurisdiction between different courts.

4. **Violation of Fundamental Rights:** Appeals may be made to the Supreme Court on the ground of a violation of fundamental rights guaranteed under the Constitution of India, where the impugned judgment or order infringes upon the rights of the appellant or any other party.

Implications of Appeals to the Supreme Court

1. **Precedent Setting:** Decisions of the Supreme Court have far-reaching implications and set legal precedents that guide the interpretation and application of law across the country. Landmark judgments of the Supreme Court often shape the course of jurisprudence and influence future legal developments.

2. **Legal Certainty:** Appeals to the Supreme Court provide an avenue for the resolution of complex legal disputes and promote legal certainty by ensuring uniformity and consistency in the application of law.

3. **Access to Justice:** Appeals to the Supreme Court serve as a vital mechanism for ensuring access to justice and redressal of grievances for litigants aggrieved by the decisions of lower courts. The Supreme Court acts as the ultimate arbiter of justice, offering a forum for the adjudication of disputes of national importance.

4. Strengthening of Rule of Law: The appellate jurisdiction of the Supreme Court plays a crucial role in upholding the rule of law and maintaining the integrity of the judicial system. By correcting errors and ensuring adherence to legal principles, the Supreme Court reinforces public trust in the judiciary and promotes the rule of law.

Conclusion

Appeals to the Supreme Court under the Civil Procedure Code, 1908, represent a cornerstone of the Indian judicial system, providing a mechanism for the resolution of legal disputes and the vindication of rights. By delineating the procedures, grounds, and implications of appeals to the Supreme Court, this note underscores the significance of the apex court in safeguarding the principles of justice, fairness, and the rule of law in India. As the ultimate guardian of constitutional values and protector of fundamental rights, the Supreme Court plays a pivotal role in upholding the ideals of democracy and ensuring the administration of justice for all.