

**N J A**  
**NORTH ZONE**  
**NAINITAL**

**Justice U.C.Dhyani**

# **Ganga Bai V. Vijay Kumar**

**AIR 1974 SC 1126**

**A right of appeal is not a natural or inherent right. It is well-settled that an appeal is a creature of statute and there is no right of appeal unless it is given clearly and in express terms by a statute.**

**(ii) The right of appeal is not a mere matter of procedure but is a substantive right.**

**(iii) The institution of the suit carries with it the implication that all rights of appeal then in force are preserved to the parties thereto till the rest of the career of the suit.**

**Garikapati Veeraya v. N.Subbiah Chaudhry**  
**AIR 1957 SC 540**

**An appeal is of continuation of a suit**

# Hari Shanker v. Rao Girdhari Lal, AIR 1963 SC 698

“The distinction between an appeal and a revision is a real one. A right of appeal carries with it a right of rehearing on law as well as fact, unless the statute conferring the right of appeal limits the rehearing in some way as, we find, has been done in second appeal arising under the Code of Civil Procedure. The power to hear a revision is generally given to a superior court so that it may satisfy itself that a particular case has been decided according to law.

**Hindustan Petroleum Corporation Ltd.  
Versus  
Dilbahar Singh  
AIR 2014 SC 3708**

Appeal is continuation of suit or original proceeding, revision is not. Much depends on the language of the statute conferring appellate jurisdiction and revisional jurisdiction.

**Awani Kumar Upadhyay Vs. The Hon'ble  
High Court of Judicature at Allahbad and  
Others. 13 February 2013**



**Hon'ble Apex Court has held that :**

**“Inasmuch as the lower judicial officers mostly work in a charged atmosphere and are constantly under psychological pressure and they do not have the facilities which are available in the Higher Courts, remarks/observations and strictures are to be avoided particularly if the officer has no occasion to put forth his reasoning. Further, if the passage complained of is wholly irrelevant and unjustifiable and its retention in records will cause serious harm to the persons to whom it refers and its expunction will not affect the reasons for the judgment or order, requests for expunging those remarks are to be allowed.”**

**Asian Resurfacing of  
road agency pvt. Ltd.  
And another Vs. Central  
Bureau of Investigation,  
28 March 2018 SC**

**STAY IN CIVIL/CRIMINAL  
PROCEEDINGS NOT TO BE  
GRANTED BEYOND SIX  
MONTHS. EXTENSION  
ONLY BY SPEAKING  
ORDER-**

**Thanks**

The background features a series of overlapping, semi-transparent green triangles and polygons of various shades, ranging from light lime green to dark forest green. These shapes are primarily located on the right side of the frame, creating a modern, abstract geometric pattern. The rest of the background is plain white.