**Appeal against a decree**

**Format of an appeal against a decree**

**Important points to remember-**

Appeal can be made against a decree or an order.  
**Appeal against a decree: Provision for first appeal is provided in Sections 96-99 of CPC.**

**Provision for second appeal is given in Section 100-103 of CPC.  
Appeal against an order: Section 104.**  
**Procedure for appeal is laid down in Order 41 : Memorandum of Appeal -**

First appeal against decree or order passed by lower courts such as CJ-Class I or II, Court of Munsif, which are subordinate to District Court, is filed in the District Court.  
First appeal against a decree passed by District Court is filed in the High Court.

In the Court of District Judge, ----------

Civil Appeal No. ... / 2009  
**Under Section 96 of CPC, 1908.**

A. B. s/o B. C..........................................  Plaintiff/Appellant

Vs.

M. N. s/o O. P..........................................  Defendant/Respondent

**Memorandum of Appeal**  
Sir,

The aformentioned plaintiff-appellant appeals against the Judgement and decree of the Court of Civil Judge Class II, at Indore, passed in Original Suit No 1234 of 2009 between A. B s/o B. C vs M.N s/o O. P., dated 10/10/2014, and sets forth the following grounds of objection to the decree appealed from :-

    Value of the suit:  
    Value of appeal:  
    Court Fee Paid:

(1) That the orders passed by the Learned Lower Court are contrary to the provisions of law and the principles of natural justice.

(2) That the findings arrived by the Learned Lower Court are not supported by the evidence on record.

(3) That the Learned Lower Court committed an error in holding that the house premises are not required by the plaintiff/appellant for his personal bonafide occupation.

(4) That the copy of the Judgment and the Decree against which this appeal has been preferred is attached alongwith.

(5) That the Learned Lower Court has having answered the first issue in the negative decided the rest of the issues against the appellant, which itself is improper and illegal.

(6) That the necessary court fee is paid herewith.

Prayer:  
(7) That the appellant, therefore, prays that for the reasons stated above and as may be argued at the time of hearing, the record and proceedings be called for, this appeal be allowed, the orders under appeal be set aside and quashed, and orders deemed just and proper be kindly passed. Further that the cost of this petition be awarded in favor of plaintiff-appellant.

Place: ………………….                                                                            (Signature of the Plaintiff-Appellant)  
Date: …………………..

                                                                                                                            Advocate for Plaintiff-Appellant

Verification  
    
 I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to 5 are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein. Affirmed at Indore this 4th Day of September 2014.

(Signature)   
Plaintiff-Appellant