

## 7.最高法院民事上訴發回或發交更審事件次數及原因－按機關別分

中華民國 98 年

單位：件

機關別  Organ	裁判件數  Cases repealed	發回或發交更審原因						
		合計 Total		調查證據不詳或未予調查  Incomplete or no investigation of evidence	採用證據未說明理由  No reason provided for evidence admitted	未採用證據未說明理由  No reason provided for evidence not admitted	事實認定錯誤不符或不明或記載不明  Erroneous, inconsistent, or unclear ascertainment of facts or unclear record	已受請求事項未為判決  No judgment on a claimed matter
		全部  All	部分  Part					
<b>合計</b> Total	<b>2 539</b>	<b>654</b>	<b>132</b>	<b>375</b>	<b>12</b>	<b>46</b>	<b>141</b>	<b>4</b>
臺灣高等法院 Taiwan High Court	1 448	362	83	225	4	26	76	1
臺灣高等法院臺中分院 Taiwan High Court, Taichung branch	459	131	18	66	5	9	29	1
臺灣高等法院臺南分院 Taiwan High Court, Tainan branch	239	57	9	25	1	5	17	-
臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch	245	59	13	33	1	5	14	2
臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch	73	28	9	17	1	1	5	-
福建高等法院金門分院 Fujian High Court, Kinmen branch	11	1	-	-	-	-	-	-
智慧財產法院 Intellectual Property Court	22	5	-	2	-	-	-	-
臺北地方法院 Taipei District Court	17	7	-	4	-	-	-	-
臺中地方法院 Taichung District Court	-	-	-	-	-	-	-	-
臺南地方法院 Tainan District Court	2	-	-	-	-	-	-	-
新竹地方法院 Hsinchu District Court	-	-	-	-	-	-	-	-
嘉義地方法院 Chiayi District Court	1	-	-	-	-	-	-	-
高雄地方法院 Kaohsiung District Court	1	-	-	-	-	-	-	-
屏東地方法院 Pingtung District Court	-	-	-	-	-	-	-	-
臺東地方法院 Taitung District Court	-	-	-	-	-	-	-	-
澎湖地方法院 Penghu District Court	-	-	-	-	-	-	-	-
花蓮地方法院 Hualien District Court	-	-	-	-	-	-	-	-
宜蘭地方法院 Yilan District Court	1	-	-	-	-	-	-	-
基隆地方法院 Keelung District Court	-	-	-	-	-	-	-	-
雲林地方法院 Yunlin District Court	-	-	-	-	-	-	-	-
彰化地方法院 Changhua District Court	1	-	-	-	-	-	-	-
桃園地方法院 Taoyuan District Court	1	-	-	-	-	-	-	-
板橋地方法院 Banciao District Court	13	3	-	2	-	-	-	-
士林地方法院 Shihlin District Court	3	1	-	1	-	-	-	-
南投地方法院 Nantou District Court	2	-	-	-	-	-	-	-
苗栗地方法院 Miaoli District Court	-	-	-	-	-	-	-	-
福建金門地方法院 Fujian Kinmen District Court	-	-	-	-	-	-	-	-
福建連江地方法院 Fujian Lienchiang District Court	-	-	-	-	-	-	-	-

**7. Frequencies and Causes of Civil Appeals Cases Remanded or Assigned for New Trial by the Supreme Court – by Organ**

2009

Unit: case

Grounds for remand or assignment for new trial							
未受請求事項而為判決	判決不適用法規或適用不當	法院組織不合法	應迴避之法官參與裁判	判決理由矛盾	證據未提示	未予當事人完全辯論之機會	未經參與辯論法官參與判決
Judgment on an unclaimed matter	Judgment that does not apply or improperly applies a law or regulation	Illegal court organization	Disqualified judge participates in adjudication	Contradiction of reasons for judgment	Non-presentation of evidence	Chance of complete argument not given to parties	Judge not participating in argument participates in judgment
5	18	-	-	38	-	8	-
4	7	-	-	21	-	4	-
1	2	-	-	8	-	2	-
-	1	-	-	4	-	-	-
-	4	-	-	1	-	1	-
-	-	-	-	3	-	1	-
-	1	-	-	-	-	-	-
-	1	-	-	1	-	-	-
-	1	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	1	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-

7.最高法院民事上訴發回或發交更審事件次數及原因－按機關別分(續完)

中華民國 98 年

單位：件

機關別 Organ	發回或發交更審原因 Grounds for remand or assignment for new trial									
	未到場當事人未經合法通知而為判決	未行使闡明權	未盡命舉證責任	採用攻擊或防禦方法未說明理由	未採用攻擊或防禦方法未說明理由	當事人不適格	訴訟未經合法代理	違背言詞辯論公開之規定	法院權限之有無辨別不當或違背專屬管轄	其他
	Judgment made in the absence of a party not legally summoned	Right of elucidation not exercised	Failure to order presentation of evidence	No reason provided for accepting an offense or defense	No reason provided for not accepting an offense or defense	Incompetence of a party	Litigation not legally represented	Violation of the rule of open argument	Improidentification of court jurisdiction or violation of exclusive jurisdiction	Other
合計	-	30	19	3	83	-	-	-	1	3
臺灣高等法院 Taiwan High Court	-	18	9	2	45	-	-	-	-	3
臺灣高等法院臺中分院 Taiwan High Court, Taichung branch	-	5	3	-	18	-	-	-	-	-
臺灣高等法院臺南分院 Taiwan High Court, Tainan branch	-	5	2	-	6	-	-	-	-	-
臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch	-	-	3	-	7	-	-	-	1	-
臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch	-	2	-	1	6	-	-	-	-	-
福建高等法院金門分院 Fujian High Court, Kinmen branch	-	-	-	-	-	-	-	-	-	-
智慧財產法院 Intellectual Property Court	-	-	-	-	1	-	-	-	-	-
臺北地方法院 Taipei District Court	-	-	2	-	-	-	-	-	-	-
臺中地方法院 Taichung District Court	-	-	-	-	-	-	-	-	-	-
臺南地方法院 Tainan District Court	-	-	-	-	-	-	-	-	-	-
新竹地方法院 Hsinchu District Court	-	-	-	-	-	-	-	-	-	-
嘉義地方法院 Chiayi District Court	-	-	-	-	-	-	-	-	-	-
高雄地方法院 Kaohsiung District Court	-	-	-	-	-	-	-	-	-	-
屏東地方法院 Pingtung District Court	-	-	-	-	-	-	-	-	-	-
臺東地方法院 Taitung District Court	-	-	-	-	-	-	-	-	-	-
澎湖地方法院 Penghu District Court	-	-	-	-	-	-	-	-	-	-
花蓮地方法院 Hualien District Court	-	-	-	-	-	-	-	-	-	-
宜蘭地方法院 Yilan District Court	-	-	-	-	-	-	-	-	-	-
基隆地方法院 Keelung District Court	-	-	-	-	-	-	-	-	-	-
雲林地方法院 Yunlin District Court	-	-	-	-	-	-	-	-	-	-
彰化地方法院 Changhua District Court	-	-	-	-	-	-	-	-	-	-
桃園地方法院 Taoyuan District Court	-	-	-	-	-	-	-	-	-	-
板橋地方法院 Banciao District Court	-	-	-	-	-	-	-	-	-	-
士林地方法院 Shihlin District Court	-	-	-	-	-	-	-	-	-	-
南投地方法院 Nantou District Court	-	-	-	-	-	-	-	-	-	-
苗栗地方法院 Miaoli District Court	-	-	-	-	-	-	-	-	-	-
福建金門地方法院 Fujian Kinmen District Court	-	-	-	-	-	-	-	-	-	-
福建連江地方法院 Fujian Lienchiang District Court	-	-	-	-	-	-	-	-	-	-

**7. Frequencies and Causes of Civil Appeals Cases Remanded or Assigned for New Trial by the Supreme Court – by Organ (Cont. End)**

2009

Unit: case

發回件數占 裁判件數百 分比	發回或發交更審次數 Frequency of cases remanded or assigned for new trial								
	合計	第一次	第二次	第三次	第四次	第五次	第六次	第七次	第八次以上
Percentage of remanded cases among total adjudicated cases	Total	First time	Second time	Third time	Forth time	Fifth time	Sixth time	Seventh time	Eighth or more than eighth time
28.36	786	569	153	52	9	3	-	-	-
27.87	445	329	82	30	3	1	-	-	-
30.50	149	103	34	7	4	1	-	-	-
25.73	66	52	12	2	-	-	-	-	-
26.73	72	45	18	8	-	1	-	-	-
44.52	37	24	6	5	2	-	-	-	-
9.09	1	1	-	-	-	-	-	-	-
22.73	5	4	1	-	-	-	-	-	-
41.18	7	7	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
23.08	3	3	-	-	-	-	-	-	-
33.33	1	1	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-