5.最高法院民事上訴事件終結情形－按訴訟種類分

中華民國 97年　　單位：件

訴訟種類 Litigation type	合計 Total	撤回上訴 Appeal withdrawn	撤回第一審之訴 Withdrawal of lawsuits in first instance	駁回上訴		
				計 Subtotal	不合法 Improform	
					全部 All	部分 Part
合計 Total	2 897	22	-	2 020.5	1 664	-
民法計 Sub-total of civil law	2 240	14	-	1 555.5	1 287	-
財產 Monetary assets	2 013	11	-	1 378.5	1 123	-
不當得利 Unjust enrichment	105	-	-	76.0	58	-
損害賠償 Damage compensation	592	7	-	406.0	327	-
侵權行為 Tort	556	6	-	382.0	309	-
債務不履行 Nonperformance of obligation	36	1	-	24.0	18	-
買賣 Sale	209	1	-	139.5	107	-
贈與 Gift	12	-	-	7.0	4	-
租賃 Lease	26	-	-	16.5	13	-
土地 Land property	21	-	-	13.5	10	-
房屋 Building property	3	-	-	2.0	2	-
其他 Other	2	-	-	1.0	1	-
借貸 Load	174	1	-	126.5	112	-
消費 Consumption	169	-	-	123.5	110	-
使用 Utilization	5	1	-	3.0	2	-
僱傭 Hire of services	14	-	-	10.0	9	-
承攬 Hire of work	216	-	-	133.0	109	-
旅遊 Travel	-	-	-	-	-	-
出版 Publication	-	-	-	-	-	-
委任 Mandate	26	-	-	17.5	15	-
寄託 Deposit	12	-	-	10.0	8	-
倉庫 Warehousing	-	-	-	-	-	-
運送營業 Carriage	1	-	-	-	-	-
合夥 Partnership	17	-	-	11.5	10	-
和解 Compromise	8	-	-	5.0	5	-

5. State of Civil Appeals Cases Terminated by the Supreme Court – by Type

2008

Unit: case

Repealed appeals		廢棄原判 Reason of recindment					和解	其他
無理由 groundless		計	發回更審 Referred back to previous court for new trial		自為判決 The Supreme Court itself renders a judgment			
全部 All	部分 Part	Subtotal	全部 All	部分 Part	全部 All	部分 Part	Conciliation	Other
296	60.5	742.5	677	55.0	4	6.5	-	112
219	49.5	591.5	541	44.5	1	5.0	-	79
208	47.5	556.5	508	43.0	1	4.5	-	67
17	1.0	28.0	27	1.0	-	-	-	1
58	21.0	164.0	143	19.5	-	1.5	-	15
53	20.0	153.0	133	18.5	-	1.5	-	15
5	1.0	11.0	10	1.0	-	-	-	-
29	3.5	59.5	56	3.0	-	0.5	-	9
3	-	5.0	5	-	-	-	-	-
3	0.5	7.5	7	0.5	-	-	-	2
3	0.5	6.5	6	0.5	-	-	-	1
-	-	1.0	1	-	-	-	-	-
-	-	-	-	-	-	-	-	1
11	3.5	39.5	36	2.5	-	1.0	-	7
10	3.5	38.5	35	2.5	-	1.0	-	7
1	-	1.0	1	-	-	-	-	-
1	-	2.0	2	-	-	-	-	2
16	8.0	78.0	70	6.5	-	1.5	-	5
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
2	0.5	4.5	4	0.5	-	-	-	4
2	-	2.0	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	1.0	1	-	-	-	-	-
1	0.5	5.5	5	0.5	-	-	-	-
-	-	3.0	3	-	-	-	-	-

5.最高法院民事上訴事件終結情形－按訴訟種類分(續一)

中華民國 97 年　　單位：件

訴訟種類 Litigation type	合計 Total	撤回上訴 Appeal withdrawn	撤回第一審之訴 Withdrawal of lawsuits in first instance	駁回上訴		
				計 Subtotal	不合法 Improform	
					全部 All	部分 Part
合會 Pooled loan	-	-	-	-	-	-
人事保證 Employment guaranty	-	-	-	-	-	-
利息等定期給付 Periodical payment of interest and the like	1	-	-	1.0	1	-
所有權 Ownership	461	2	-	323.0	269	-
土地 Land property	322	1	-	228.5	190	-
房屋 Building property	57	-	-	41.0	32	-
分割共有物 Division of joint property	51	1	-	32.5	28	-
不動產經界 Boundaries of immovables	1	-	-	1.0	1	-
其他 Other	30	-	-	20.0	18	-
地上權 Superficies	11	-	-	8.0	7	-
地役權 Predialservitude	2	-	-	2.0	2	-
抵押權 Mortgage	51	-	-	37.0	29	-
土地 Land	37	-	-	29.0	22	-
房屋 Building	11	-	-	7.0	6	-
其他 Other	3	-	-	1.0	1	-
質權 Pledge	6	-	-	2.0	1	-
占有 Possession	4	-	-	4.0	3	-
其他 Other	65	-	-	43.0	34	-
親屬 Family	156	2	-	131.0	124	-
監護 Guardianship	1	-	-	1.0	1	-
婚姻 Marriage	123	2	-	106.0	102	-
離婚 Divorce	98	2	-	85.0	83	-
離婚－其他 Divorce Other	7	-	-	5.5	4	-
婚約 Betrothal	-	-	-	-	-	-
履行同居 Fulfillment of cohabitation	2	-	-	2.0	2	-
其他 Other	16	-	-	13.5	13	-

5. State of Civil Appeals Cases Terminated by the Supreme Court – by Type (Cont. 1)

2008

Unit: case

Repealed appeals		廢棄原判 Reason of recindment					和解	其他
無理由 groundless		計	發回更審 Referred back to previous court for new trial		自為判決 The Supreme Court itself renders a judgment			
全部 All	部分 Part	Subtotal	全部 All	部分 Part	全部 All	部分 Part	Conciliation	Other
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
46	8.0	118.0	109	8.0	1	-	-	18
33	5.5	79.5	73	5.5	1	-	-	13
8	1.0	13.0	12	1.0	-	-	-	3
4	0.5	16.5	16	0.5	-	-	-	1
-	-	-	-	-	-	-	-	-
1	1.0	9.0	8	1.0	-	-	-	1
1	-	3.0	3	-	-	-	-	-
-	-	-	-	-	-	-	-	-
8	-	13.0	13	-	-	-	-	1
7	-	8.0	8	-	-	-	-	-
1	-	3.0	3	-	-	-	-	1
-	-	2.0	2	-	-	-	-	-
1	-	3.0	3	-	-	-	-	1
1	-	-	-	-	-	-	-	-
8	1.0	20.0	19	1.0	-	-	-	2
5	2.0	17.0	15	1.5	-	0.5	-	6
-	-	-	-	-	-	-	-	-
2	2.0	11.0	9	1.5	-	0.5	-	4
1	1.0	7.0	6	1.0	-	-	-	4
1	0.5	1.5	1	0.5	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	0.5	2.5	2	-	-	0.5	-	-

5.最高法院民事上訴事件終結情形－按訴訟種類分(續二)

中華民國 97 年　　單位：件

訴訟種類 Litigation type	合計 Total	撤回上訴 Appeal withdrawn	撤回第一審之訴 Withdrawal of lawsuits in first instance	駁回上訴		
				計 Subtotal	不合法 Improform	
					全部 All	部分 Part
認領 Acknowledgment	1	-	-	1.0	1	-
收養 Adoption	2	-	-	2.0	2	-
扶養 Maintenance	13	-	-	9.0	8	-
贍養費 Alimonies	1	-	-	1.0	1	-
其他 Other	15	-	-	11.0	9	-
繼承 Succession	49	-	-	30.0	24	-
遺產 Estate	37	-	-	21.0	16	-
遺囑 Wills	9	-	-	6.0	6	-
其他 Other	3	-	-	3.0	2	-
其他 Other	22	1	-	16.0	16	-
民事特別法計 Special Law	657	8	-	465.0	377	-
公司法 Company law	51	2	-	30.0	24	-
撤銷股東會決議 Withdrawal of shareholders meeting resolutions	12	-	-	7.0	6	-
確認股東會決議無效 Invalidation of shareholders meeting resolutions	12	2	-	5.0	5	-
公司對董事或監察人訴訟 Company suing director or auditor	3	-	-	1.0	1	-
其他 Other	24	-	-	17.0	12	-
票據法 Law of negotiable instruments	48	-	-	33.0	28	-
給付票款 Payment of negotiable instruments	27	-	-	18.0	17	-
償還票據所受利益 Repayment of interest accrued on negotiable instruments	-	-	-	-	-	-
其他 Other	21	-	-	15.0	11	-
海商事件 Maritime matters	10	-	-	2.5	1	-
保險事件 Insurance matters	57	-	-	46.5	42	-
動產擔保交易 Personal property secured transactions	1	-	-	1.0	1	-

5. State of Civil Appeals Cases Terminated by the Supreme Court – by Type (Cont. 2)

2008

Unit: case

Repealed appeals		廢棄原判 Reason of recindment					和解	其他
無理由 groundless		計	發回更審 Referred back to previous court for new trial		自為判決 The Supreme Court itself renders a judgment			
全部 All	部分 Part	Subtotal	全部 All	部分 Part	全部 All	部分 Part	Conciliation	Other
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
1	-	3.0	3	-	-	-	-	1
-	-	-	-	-	-	-	-	-
2	-	3.0	3	-	-	-	-	1
6	-	14.0	14	-	-	-	-	5
5	-	12.0	12	-	-	-	-	4
-	-	2.0	2	-	-	-	-	1
1	-	-	-	-	-	-	-	-
-	-	4.0	4	-	-	-	-	1
77	11.0	151.0	136	10.5	3	1.5	-	33
5	1.0	9.0	8	0.5	-	0.5	-	10
1	-	3.0	3	-	-	-	-	2
-	-	1.0	1	-	-	-	-	4
-	-	-	-	-	-	-	-	2
4	1.0	5.0	4	0.5	-	0.5	-	2
5	-	13.0	13	-	-	-	-	2
1	-	8.0	8	-	-	-	-	1
-	-	-	-	-	-	-	-	-
4	-	5.0	5	-	-	-	-	1
1	0.5	7.5	7	0.5	-	-	-	-
4	0.5	9.5	9	0.5	-	-	-	1
-	-	-	-	-	-	-	-	-

5.最高法院民事上訴事件終結情形－按訴訟種類分(續三完)

中華民國 97 年　　單位：件

訴訟種類 Litigation type	合計 Total	撤回上訴 Appeal withdrawn	撤回第一審之訴 Withdrawal of lawsuits in first instance	駁回上訴		
				計 Subtotal	不合法 Improform	
					全部 All	部分 Part
土地法 Land law	10	-	-	6.0	4	-
土地或房屋優先承買權 Priority to buy land or building properties	1	-	-	1.0	1	-
土地或房屋租用 Land or building leases	-	-	-	-	-	-
耕地租用 Farmland lease	5	-	-	2.0	2	-
其他 Other	4	-	-	3.0	1	-
三七五租約 The 3/8th tenants lease act	55	-	-	47.5	39	-
證券交易 Securities trading	4	-	-	3.0	3	-
國際貿易 International trade	7	-	-	4.0	4	-
國家賠償 State compensation	78	-	-	55.5	41	-
執行事件訴訟 Execution litigation	110	2	-	76.0	65	-
撤銷仲裁判斷事件 Arbitral award annulment matters	10	-	-	7.0	5	-
選舉罷免訴訟 Election and recall litigation	-	-	-	-	-	-
勞資爭議處理法 Management-labor dispute settlement law	126	1	-	95.5	72	-
請求給付工資 Wage payment claim	23	-	-	16.0	12	-
終止勞動契約 Employment contract termination	-	-	-	-	-	-
請求給付退休金或資遣費 Retirement or severance payment claim	27	-	-	22.5	17	-
請求給予獎金或分配紅利 Incentive or bonus payment claim	1	-	-	1.0	1	-
請求給予損害賠償或職業災害補償 Claim of damages or compensation for occupational accidents	6	-	-	4.5	3	-
其他 Other	69	1	-	51.5	39	-
著作權 Copyright	16	1	-	8.5	7	-
專利權 Patent-right	28	1	-	18.5	18	-
商標專用權 Right of exclusive use of a trademark	19	1	-	13.5	9	-
其他 Other	27	-	-	17.0	14	-

5. State of Civil Appeals Cases Terminated by the Supreme Court – by Type (Cont. End)

2008 Unit: case

Repealed appeals		廢棄原判 Reason of recindment					和解	其他
無理由 groundless		計	發回更審 Referred back to previous court for new trial		自為判決 The Supreme Court itself renders a judgment			
全部 All	部分 Part	Subtotal	全部 All	部分 Part	全部 All	部分 Part	Conciliation	Other
2	-	3.0	3	-	-	-	-	1
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	2.0	2	-	-	-	-	1
2	-	1.0	1	-	-	-	-	-
8	0.5	6.5	6	0.5	-	-	-	1
-	-	1.0	1	-	-	-	-	-
-	-	3.0	3	-	-	-	-	-
14	0.5	18.5	18	0.5	-	-	-	4
9	2.0	29.0	23	2.5	3	0.5	-	3
2	-	3.0	3	-	-	-	-	-
-	-	-	-	-	-	-	-	-
19	4.5	25.5	21	4.0	-	0.5	-	4
4	-	6.0	6	-	-	-	-	1
-	-	-	-	-	-	-	-	-
4	1.5	4.5	3	1.5	-	-	-	-
-	-	-	-	-	-	-	-	-
1	0.5	1.5	1	0.5	-	-	-	-
10	2.5	13.5	11	2.0	-	0.5	-	3
1	0.5	4.5	4	0.5	-	-	-	2
-	0.5	8.5	8	0.5	-	-	-	-
4	0.5	4.5	4	0.5	-	-	-	-
3	-	5.0	5	-	-	-	-	5