民事訴訟
Civil Litigations

裁判救濟程序
Adjudication Relief Proceedings

壹、判決上訴部分

1. Appeals against the Judgments

一、地方法院小額程序（第一審）

(1) Small-Claim Proceedings in the district court (proceedings in the first instance)

《101》得上訴

如不服本判決，應於送達後 20 日內，向本院提出上訴狀並應記載上訴理由，表明關於原判決所違背之法令及其具體內容與依訴訟資料可認為原判決有違背法令之具體事實，如於本判決宣示後送達前提起上訴者，應於判決送達後 20 日內補提上訴理由書(須附繕本)。

《101》Appealable

If a party disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement indicating the reasons for the appeal and specify the laws and regulations which the original judgment contravened and the specific content thereof; and the specific facts, as revealed by the litigation materials, which may lead to a finding that the original judgment is in contravention of said laws and regulations. If the petition is filed after the judgment is announced but before it is served, a written appeal petition with reason may be filed with the Court within 20 days after the judgment is served. (A written copy thereof shall be attached.)

二、地方法院小額程序（第二審）

(2) Small-Claim Proceedings in the district court (proceedings in the second instance)

《102》不得上訴(第 436 條之 30)

不得上訴。

《102》Non-appealable (Article 436-30)

Non-appealable

三、地方法院簡易程序（第一審）

(3) Summary Proceedings in the district court（proceedings in the first instance）

《103》得上訴

如不服本判決，應於判決送達後 20 日內向本院提出上訴狀。

《103》Appealable

If a party disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement.

四、地方法院簡易程序（第二審）

(4) Summary Proceeding in the district court (proceedings in the second instance)

《104》得上訴

如不服本判決，僅得以適用法規顯有錯誤為理由逕向最高法院提起上訴， 但須經本院之許可。

如不服本判決，應於判決送達後 20 日內向本院提出上訴狀，其未表

明上訴理由者，應於上訴後 20 日內向本院提出上訴理由書（均須按他造當事人之人數附繕本）。

上訴時應提出委任律師或具有律師資格之人之委任狀，如委任律師提起上訴者，應一併繳納上訴裁判費。

《104》 Appealable

If a party disagrees with this judgment, an appeal against this judgment may be filed directly to the Supreme Court only when it is based on the ground that there is a manifest error in the application of the law, provided that such filing is approved by the Court.

If a party disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement. If the reasons are not set forth in the appeal petition, a written appeal petition with reason may be filed with the Court within 20 days after filing the appeal. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.)

When an appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted；If the appeal is filed by a retained attorney, the court costs on the appeal shall be paid along with the filing.

不得上訴【同《102》】

Non-appealable【the same as《102》】

五、地方法院通常程序

(5) Regular Proceedings in the district court

得上訴【同《103》】

Appealable【the same as《103》】

不得上訴（除字）【同《102》】

Non-appealable (chu-tzu)【the same as《102》】

六、高等法院（第一審）

(6) High Court（proceedings in the first instance）

《105》得上訴

如不服本判決，應於判決送達後 20 日內向本院提出上訴狀，其未表明上訴理由者，應於上訴後 20 日內向本院提出上訴理由書（均須按他造當事人之人數附繕本）。

上訴時應提出委任律師或具有律師資格之人之委任狀。如委任律師提起上訴者，應一併繳納上訴裁判費。

《105》Appealable

If a party disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement. If the reasons are not set forth in the appeal petition, a written appeal petition with reason may be filed with the Court within 20 days after filing the appeal. (The number of the written copies (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.)

When an appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted；If the appeal is filed by a retained attorney, the court costs on the appeal shall be paid along with the filing.

不得上訴【同《102》】

Non-appealable【the same as《102》】

七、高等法院（第二審）

(7) High Court (proceedings in the second instance)

得上訴【同《105》】

Appealable【the same as《105》】

《106》不得上訴

《106》Non-appealable

《106-》1 兩造均不得上訴

〈**106-1**〉 No appeals from both parties.

《106-2》上訴人不得上訴

〈**106-2**〉 No appeals from the appellant.

《106-3》被上訴人不得上訴

〈**106-3**〉 No appeals from the appellee.

《106-4》附帶上訴人不得上訴

〈**106-4**〉 No appeals from the incidental appellant.

貳、裁定抗告、再抗告部分

2. Appeals and Re-appeals against Rulings

一、地方法院小額程序（第一審）

(1) Small-Claim Proceedings in the district court (proceedings in the first instance)

《107》得抗告(第 436 條之 24)

中文/英文對照-教示救濟規定

如不服本裁定，須以違背法令為理由，於裁定送達後 10 日內向本院提出抗告狀，並繳納抗告裁判費新台幣 1,500 元。

《107》Right to interlocutory appeal (Article 436-24)

If a party disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court based on the ground that there is a manifest error in the application of the law, within 10 days calculated from the date of service of the ruling, and the court costs of NTD1,500 on an interlocutory appeal against a ruling shall be paid.

二、地方法院小額程序（第二審）

(2) Small-Claim Proceedings in the district court (proceeding in the second instance)

《108》不得抗告(第 436 條之 30)

不得抗告

《108》 No appeals may be against the ruling (Article 436-30)

No appeals may be raised against the ruling.

《109》不得再抗告

不得再抗告。

《109》 No re-appeals allowed against the ruling

No re-appeals are allowed against the ruling.

三、地方法院簡易程序（第一審）

(3) Summary Proceedings in the district court (proceedings in the first instance)

《110》得抗告

如不服本裁定，應於收受送達後 10 日內向本院提出抗告狀，並應繳納抗告裁判費新台幣 1,500 元。

《110》Right to interlocutory appeal

If a party disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and the court costs of NTD1,500 on an interlocutory appeal against a ruling shall be paid.

《111》得抗告(核定價額並命補費)

核定訴訟標的價額部分，如不服本裁定，應於收受送達後 10 日內向本院提出抗告狀，並應繳納抗告裁判費新台幣 1,500 元。

《111》Right to interlocutory appeal (determination of the value of a claim, and order to pay off the fees)

If a party disagrees with this ruling regarding the portion of the determination of the value of a claim, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and the court costs of NTD1,500 on an appeal against the ruling shall be paid.

四、地方法院簡易程序（第二審）

(4) Summary Proceedings in the district court (proceedings in the second instance)

《112》得抗告

如不服本裁定，僅得以適用法規顯有錯誤為理由逕向最高法院提起抗告，但須經本院之許可。

如不服本裁定，應於裁定送達後 10 日內向本院提出抗告狀，其未表明抗告理由者，應於抗告後 10 日內向本院提出抗告理由書（均須按他造當事人之人數附繕本）。

抗告時應提出委任律師或具有律師資格之人之委任狀，如委任律師提起抗告者，應一併繳納抗告裁判費。

《112》 Right to interlocutory appeal

If a party disagrees with this ruling, an appeal against this ruling may be filed directly to the Supreme Court only when it is based on the ground that there is a manifest error in the application of the law, provided that such filing is approved by the Court.

If a party disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the judgement. If the reasons are not set forth in the appeal petition, a written interlocutory petition with reason may be filed with the Court within 10 days after filing the interlocutory appeal. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.) When an appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted；

If an appeal against a ruling is filed by a retained attorney, the court costs on the appeal shall be paid along with the filing.

不得抗告【同《108》】

No interlocutory appeals may be against the ruling 【the same as 《108》】

《113》得再抗告

如不服本裁定，應於送達後 10 日內向本院提出再抗告狀（須按他造當事人之人數附繕本），並繳納再抗告裁判費新台幣 1,500 元。

再抗告僅得以適用法規顯有錯誤為理由，並應提出委任律師或具有律師資格之人之委任狀。如委任律師提起再抗告者，應一併繳納再抗告裁判費。

《113》 Right to re-appeals against rulings

If a party disagrees with this ruling, a written interlocutory re-appeal

petition shall be filed with the Court within 10 days calculated from the date of service of the ruling (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.), and the court costs of NTD1,500 on a re-appeal from a ruling shall be paid.
No re-appeals may be taken from this ruling except that it is based only on the ground that there is a manifest error in the application of law in such ruling, and a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted；If the petition of a re-appeal against the ruling is filed by a retained attorney, the court costs of NTD1,500 on the re-appeal against the ruling shall be paid along with the filing.

不得再抗告【同《109》】
No re-appeals allowed against the ruling 【the same as《109》】

五、地方法院通常程序
(5) Regular Proceedings in the district court

得抗告【同《110》《111》】
Right to interlocutory appeal 【the same as《110》《111》】

得再抗告【同《113》】
Right to re-appeals against rulings 【the same as《113》】

不得再抗告【同《109》】
No re-appeals allowed against rulings 【the same as《109》】

六、高等法院
(6) High Court

《114》得抗告

如不服本裁定，應於收受送達後 10 日內表明抗告理由向本院提出抗告狀，並應繳納抗告裁判費新台幣 1,500 元。

抗告時應提出委任律師或具有律師資格之人之委任狀。如委任律師提起抗告者，應一併繳納抗告裁判費。

《114》Right to interlocutory appeal

If a party disagrees with this ruling, a written interlocutory appeal petition with reasons set forth therein shall be filed with the Court within 10 days calculated from the date of service of this ruling, and the court costs of NTD1,500 on an appeal against a ruling shall be paid.

When an appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted；If the appeal is filed by a retained attorney, the court costs on the appeal shall be paid along with the filing.

《115》得抗告(核定價額並命補費)

核定訴訟標的價額部分，如不服本裁定，應於收受送達後 10 日內向本院提出抗告狀，並應繳納抗告裁判費新台幣 1,500 元。

抗告時應提出委任律師或具有律師資格之人之委任狀。如委任律師提起抗告者，應一併繳納抗告裁判費。

《115》Right to interlocutory appeal (determination of the value of a claim, and order to pay off the fees)

If a party disagrees with this ruling regarding the portion of the determination of the value of a claim, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and the court costs of NTD1,500 on an appeal against

a ruling shall be paid.

When an interlocutory appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted；If the interlocutory appeal is filed by a retained attorney, the court costs on the interlocutory appeal shall be paid along with the filing.

不得抗告【同《108》】

No interlocutory appeals may be against the ruling 【the same as 《108》】

得再抗告【同《113》】

Right to re-appeals against rulings 【the same as《113》】

不得再抗告【同《109》】

No re-appeals allowed against rulings【the same as《109》】

參、濫訴處罰部分

3. The Penalty Section of Frivolous Lawsuits

《116》得抗告或上訴

如僅就處罰部分聲明不服時，應於判決送達後 10 日內向本院提出抗告狀，並繳納抗告費新台幣 1,500 元。

原告對於本訴訟之裁判聲明不服者，就所處罰鍰及訴訟費用合計新臺幣○○○元應供擔保。

《116》 An interlocutory appeal or appeal is permitted

If a person is contesting only the penalties, the person should file an interlocutory appeal with this Court within 10 days after the judgment is served, and pay the appeal fee of NT$1,500.

If the plaintiff is in disagreement with the decision of this lawsuit, the plaintiff shall provide a guarantee for the amount of the fines and court costs totaling NT$XXX.

肆、異議部分

4.Objections

《117》得提出異議(第 240 條)

如不服本裁定，得於收受送達後 10 日內向本院提出異議。

《117》Objections may be raised (Article 240)

If a party disagrees with this ruling, an objection to this ruling may be raised to the Court within 10 days from the day following the service or receipt of the ruling.

《118》得提出異議(第 240 條之 4)

如不服本裁定，得於收受送達後 10 日內向司法事務官提出異議。

《118》Objections may be raised (Article 240-4)

If a party disagrees with this ruling, an objection to this ruling may be raised to the Court Administrator, within the 10 days from the day following the service of the ruling.

《119》民事調解方案(第 418 條)

當事人(及參加調解之利害關係人)得於送達後 10 日之不變期間內提出異議。如於期間內提出異議，視為調解不成立；未於期間內提出異議，視為已依本方案成立調解。

《119》Proposed resolutions for mediations in civil matters (Article 418)

A party (and an interested person intervened in the mediation) may object to the proposed resolution within a 10-day peremptory period following

the service thereof. The mediation shall be deemed unsuccessful upon an objection raised to it within the aforementioned period; in cases where no objection is raised within the aforementioned period, the mediation shall be deemed successful in accordance with that proposed resolution.

《120》勞調調解適當方案（勞動事件法第 29 條）

【同《119》】

《120》Appropriate Proposal as Made by Labor Mediation Committee (Article 29 of the Labor Incident Act)

【the same as《119》】

伍、聲明不服部分(第 484 條第 3 項)

5.Objections against Rulings (Article 484, Paragraph 3)

《121》不得聲明不服

不得聲明不服

《121》No objection may be raised

No objection may be raised.

陸、消費者債務清理事件

6.Consumer Debt Clearance Matters

《122》抗告

《122》Interlocutory appeal

《122-1》於債權人會議不同意更生方案之債權人如不服本裁定，應於裁定送達後 10 日內，以書狀向本院提出抗告，並繳納抗告費新台幣 1,500 元。

《122-1》If a creditor who disagrees with the proposed resolution for rehabilitation in a meeting of creditors disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and the court costs of NTD1,500 on an interlocutory appeal against the ruling shall be paid.

《122-2》對於撤銷更生之裁定提起抗告者，開始清算程序之裁定，並受抗告法院之裁判。

如不服撤銷更生之裁定，應於裁定送達後 10 日內，以書狀向本院提出抗告，並繳納抗告費新台幣 1,500 元。

《122-2》If an interlocutory appeal against the ruling of revoking rehabilitation is filed, the ruling of the commencement of liquidation process is to be adjudicated by the court of interlocutory appeal.

If a party disagrees with the ruling of revoking rehabilitation, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and the court costs of NTD1,500 on an appeal against the ruling shall be paid.

《122-3》開始清算之裁定不得抗告，如不服同時終止清算程序之裁定，應於裁定送達後 10 日內，以書狀向本院提出抗告，並繳納抗告費用新台幣 1,500 元。

《122-3》An interlocutory appeal against the ruling of the commencement of liquidation process may not be raised. If a party disagrees with the ruling of commencement and simultaneous termination of the liquidation process, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and the court costs of NTD1,500 on an appeal against the ruling shall be paid.