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 97 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機關別 Organ	裁判件數 Cases repealed	發回或發交更審原因						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					
合計 Total	2 763	677	110	380	19	36	151	1
臺灣高等法院 Taiwan High Court	1 611	384	78	230	13	16	83	1
臺灣高等法院臺中分院 Taiwan High Court, Taichung branch	514	133	17	75	3	9	28	-
臺灣高等法院臺南分院 Taiwan High Court, Tainan branch	291	65	6	32	1	6	17	-
臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch	259	66	7	27	2	4	19	-
臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch	61	16	2	11	-	1	1	-
福建高等法院金門分院 Fujian High Court, Kinmen branch	3	2	-	1	-	-	-	-
臺北地方法院 Taipei District Court	9	1	-	-	-	-	1	-
臺中地方法院 Taichung District Court	2	2	-	1	-	-	-	-
臺南地方法院 Tainan District Court	2	2	-	1	-	-	1	-
新竹地方法院 Hsinchu District Court	-	-	-	-	-	-	-	-
嘉義地方法院 Chiayi District Court	2	1	-	1	-	-	-	-
高雄地方法院 Kaohsiung District Court	-	-	-	-	-	-	-	-
屏東地方法院 Pintung District Court	1	1	-	-	-	-	-	-
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	1	1	-	-	-	-	-	-
彰化地方法院 Changhua District Court	1	1	-	-	-	-	1	-
桃園地方法院 Taoyuan District Court	1	1	-	-	-	-	-	-
板橋地方法院 Banciao District Court	-	-	-	-	-	-	-	-
士林地方法院 Shihlin District Court	3	-	-	-	-	-	-	-
南投地方法院 Nantou District Court	2	1	-	1	-	-	-	-
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 LienchiangDistrict Court	-	-	-	-	-	-	-	-

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

2008 Unit: case

Grounds for remand or assignment for new trial							
未受請求事項而為判決 Judgment on an unclaimed matter	判決不適用法規或適用不當 Judgment that does not apply or improperly applies a law or regulation	法院組織不合法 Illegal court organization	應迴避之法官參與裁判 Disqualified judge participates in adjudication	判決理由矛盾 Contradiction of reasons for judgment	證據未提示 Non-presentation of evidence	未予當事人完全辯論之機會 Chance of complete argument not given to parties	未經參與辯論法官參與判決 Judge not participating in argument participates in judgment
1	18	2	-	25	-	12	1
1	10	-	-	16	-	7	-
-	4	-	-	4	-	1	-
-	2	1	-	1	-	2	1
-	1	-	-	3	-	-	-
-	-	-	-	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 97 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 Judgment made in the absence of a party not legally summoned	未行使闡明權 Right of elucidation not exercised	未盡命舉證責任 Failure to order presentation of evidence	採用攻擊或防禦方法未說明理由 No reason provided for accepting an offense or defense	未採用攻擊或防禦方法未說明理由 No reason provided for not accepting an offense or defense	當事人不適格 Incompetence of a party	訴訟未經合法代理 Litigation not legally represented	違背言詞辯論公開之規定 Violation of the rule of open argument	法院權限之有無辨別不當或違背專屬管轄 Improidentification of court jurisdiction or violation of exclusive jurisdiction	其他 Other
合計 Total	-	32	15	3	87	2	1	-	-	1
臺灣高等法院 Taiwan High Court	-	21	8	2	51	2	-	-	-	1
臺灣高等法院臺中分院 Taiwan High Court, Taichung branch	-	5	3	-	17	-	1	-	-	-
臺灣高等法院臺南分院 Taiwan High Court, Tainan branch	-	-	-	-	8	-	-	-	-	-
臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch	-	5	3	1	8	-	-	-	-	-
臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch	-	-	-	-	3	-	-	-	-	-
福建高等法院金門分院 Fujian High Court, Kinmen branch	-	-	1	-	-	-	-	-	-	-
臺北地方法院 Taipei District Court	-	-	-	-	-	-	-	-	-	-
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 Pintung 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	-	1	-	-	-	-	-	-	-	-
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)

2008 Unit: case

發回件數占裁判件數百分比 Percentage of remanded cases among total adjudicated cases	發回或發交更審次數 Frequency of cases remanded or assigned for new trial								
	合計 Total	第一次 First time	第二次 Second time	第三次 Third time	第四次 Forth time	第五次 Fifth time	第六次 Sixth time	第七次 Seventh time	第八次以上 Eighth or more than eighth time
26.49	787	585	153	38	10	1	-	-	-
26.26	462	340	92	23	7	-	-	-	-
27.53	150	114	26	8	2	-	-	-	-
23.37	71	52	13	4	1	1	-	-	-
26.83	73	55	16	2	-	-	-	-	-
27.87	18	12	5	1	-	-	-	-	-
66.67	2	2	-	-	-	-	-	-	-
11.11	1	1	-	-	-	-	-	-	-
100.00	2	2	-	-	-	-	-	-	-
100.00	2	2	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
50.00	1	1	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
100.00	1	1	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
100.00	1	-	1	-	-	-	-	-	-
100.00	1	1	-	-	-	-	-	-	-
100.00	1	1	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
50.00	1	1	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-