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 94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訴訟種類 Litigation type	合計 Total	撤回上訴 Appeal withdrawn	撤回第一審之訴 Withdrawal of lawsuits in first instance	駁回上訴		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	**2 582**	**40**	**-**	**1 858.5**	**1 541**	**-**
民法計 Sub-total of civil law	2 045	31	-	1 473.5	1 224	-
財產 Monetary assets	1 848	29	-	1 310.0	1 072	-
不當得利 Unjust enrichment	85	2	-	61.0	51	-
損害賠償 Damage compensation	480	3	-	335.5	273	-
侵權行爲 Tort	452	3	-	317.0	261	-
債務不履行 Nonperformance of obligation	28	-	-	18.5	12	-
買賣 Sale	217	3	-	154.5	123	-
贈與 Gift	17	-	-	12.0	11	-
租賃 Lease	23	1	-	14.5	13	-
土地 Land property	20	1	-	13.5	12	-
房屋 Building property	2	-	-	-	-	-
其他 Other	1	-	-	1.0	1	-
借貸 Load	192	3	-	145.0	124	-
消費 Consumption	192	3	-	145.0	124	-
使用 Utilization	-	-	-	-	-	-
僱傭 Hire of services	16	-	-	9.5	8	-
承攬 Hire of work	234	7	-	160.0	122	-
旅遊 Travel	-	-	-	-	-	-
出版 Publication	1	-	-	1.0	1	-
委任 Mandate	28	3	-	15.0	14	-
寄託 Deposit	16	-	-	13.5	11	-
倉庫 Warehousing	-	-	-	-	-	-
運送營業 Carriage	2	-	-	1.0	1	-
合夥 Partnership	10	-	-	6.0	5	-
和解 Compromise	3	-	-	3.0	2	-

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

2005 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Repealed appeals		廢棄原判 Reason of recindment					和解	其他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		自爲判決 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
279	**38.5**	**584.5**	**541**	**35.5**	**4**	**4.0**	**-**	**99**
220	29.5	476.5	443	27.5	3	3.0	-	64
211	27.0	450.0	420	25.0	2	3.0	-	59
8	2.0	16.0	14	2.0	-	-	-	6
54	8.5	123.5	114	7.5	1	1.0	-	18
48	8.0	114.0	105	7.0	1	1.0	-	18
6	0.5	9.5	9	0.5	-	-	-	-
30	1.5	56.5	54	2.0	-	0.5	-	3
1	-	4.0	3	-	1	-	-	1
-	1.5	7.5	6	1.5	-	-	-	-
-	1.5	5.5	4	1.5	-	-	-	-
-	-	2.0	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-
19	2.0	42.0	40	1.5	-	0.5	-	2
19	2.0	42.0	40	1.5	-	0.5	-	2
-	-	-	-	-	-	-	-	-
1	0.5	6.5	6	0.5	-	-	-	-
34	4.0	67.0	63	4.0	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
1	-	9.0	9	-	-	-	-	1
2	0.5	2.5	2	0.5	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	1.0	1	-	-	-	-	-
-	1.0	3.0	2	1.0	-	-	-	1
1	-	-	-	-	-	-	-	-

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 94 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訴訟種類 Litigation type	合計 Total	撤回上訴 Appeal withdrawn	撤回第一審之訴 Withdrawal of lawsuits in first instance	駁回上訴		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	2	-	-	2.0	1	-
利息等定期給付 Periodical payment of interest and the like	-	-	-	-	-	-
所有權 Ownership	412	5	-	303.0	256	-
土地 Land property	293	1	-	217.0	178	-
房屋 Building property	68	1	-	52.5	47	-
分割共有物 Division of joint property	41	2	-	26.5	25	-
不動產經界 Boundaries of immovables	1	-	-	1.0	1	-
其他 Other	9	1	-	6.0	5	-
地上權 Superficies	17	-	-	13.0	7	-
地役權 Predialservitude	1	-	-	0.5	-	-
抵押權 Mortgage	46	2	-	32.0	25	-
土地 Land	32	2	-	20.0	17	-
房屋 Building	12	-	-	10.5	7	-
其他 Other	2	-	-	1.5	1	-
質權 Pledge	2	-	-	1.0	1	-
占有 Possession	2	-	-	1.0	1	-
其他 Other	42	-	-	26.0	22	-
親屬 Family	150	2	-	125.5	117	-
監護 Guardianship	1	-	-	1.0	1	-
婚姻 Marriage	119	2	-	106.5	101	-
離婚 Divorce	100	2	-	91.0	87	-
離婚－其他 Divorce Other	3	-	-	3.0	3	-
婚約 Betrothal	-	-	-	-	-	-
履行同居 Fulfillment of cohabitation	2	-	-	1.0	1	-
其他 Other	14	-	-	11.5	10	-

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

2005 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		自爲判決 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	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
43	4.0	82.0	78	3.0	-	1.0	-	22
37	2.0	61.0	59	1.0	-	1.0	-	14
4	1.5	9.5	8	1.5	-	-	-	5
1	0.5	9.5	9	0.5	-	-	-	3
-	-	-	-	-	-	-	-	-
1	-	2.0	2	-	-	-	-	-
6	-	2.0	2	-	-	-	-	2
-	0.5	0.5	-	0.5	-	-	-	-
6	1.0	11.0	10	1.0	-	-	-	1
3	-	10.0	10	-	-	-	-	-
3	0.5	0.5	-	0.5	-	-	-	1
-	0.5	0.5	-	0.5	-	-	-	-
-	-	1.0	1	-	-	-	-	-
-	-	1.0	1	-	-	-	-	-
4	-	14.0	14	-	-	-	-	2
6	2.5	19.5	16	2.5	1	-	-	3
-	-	-	-	-	-	-	-	-
3	2.5	7.5	4	2.5	1	-	-	3
2	2.0	4.0	2	2.0	-	-	-	3
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
-	-	1.0	1	-	-	-	-	-
1	0.5	2.5	1	0.5	1	-	-	-

5.最高法院民事上訴事件終結情形－按訴訟種類分(續二)

中華民國 94 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	4	-	-	3.0	3	-
收養 Adoption	6	-	-	4.0	3	-
扶養 Maintenance	7	-	-	3.0	2	-
贍養費 Alimonies	-	-	-	-	-	-
其他 Other	13	-	-	8.0	7	-
繼承 Succession	29	-	-	22.0	20	-
遺產 Estate	22	-	-	18.0	16	-
遺囑 Wills	4	-	-	2.0	2	-
其他 Other	3	-	-	2.0	2	-
其他 Other	18	-	-	16.0	15	-
民事特別法計 Special Law	537	9	-	385.0	317	-
公司法 Company law	48	1	-	31.5	28	-
撤銷股東會決議 Withdrawal of shareholders meeting resolutions	7	-	-	6.0	5	-
確認股東會決議無效 Invalidation of shareholders meeting resolutions	16	-	-	7.0	6	-
公司對董事或監察人訴訟 Company suing director or auditor	1	-	-	1.0	1	-
其他 Other	24	1	-	17.5	16	-
票據法 Law of negotiable instruments	42	-	-	30.5	28	-
給付票款 Payment of negotiable instruments	16	-	-	14.0	14	-
償還票據所受利益 Repayment of interest accrued on negotiable instruments	-	-	-	-	-	-
其他 Other	26	-	-	16.5	14	-
海商事件 Maritime matters	6	1	-	2.0	2	-
保險事件 Insurance matters	72	2	-	56.0	47	-
動產擔保交易 Personal property secured transactions	-	-	-	-	-	-

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

2005 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		自爲判決 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
-	-	1.0	1	-	-	-	-	-
1	-	2.0	2	-	-	-	-	-
1	-	4.0	4	-	-	-	-	-
-	-	-	-	-	-	-	-	-
1	-	5.0	5	-	-	-	-	-
2	-	6.0	6	-	-	-	-	1
2	-	4.0	4	-	-	-	-	-
-	-	1.0	1	-	-	-	-	1
-	-	1.0	1	-	-	-	-	-
1	-	1.0	1	-	-	-	-	1
59	9.0	108.0	98	8.0	1	1.0	-	35
3	0.5	8.5	8	0.5	-	-	-	7
1	-	-	-	-	-	-	-	1
1	-	3.0	3	-	-	-	-	6
-	-	-	-	-	-	-	-	-
1	0.5	5.5	5	0.5	-	-	-	-
2	0.5	7.5	6	0.5	1	-	-	4
-	-	1.0	1	-	-	-	-	1
-	-	-	-	-	-	-	-	-
2	0.5	6.5	5	0.5	1	-	-	3
-	-	3.0	3	-	-	-	-	-
8	1.0	14.0	13	0.5	-	0.5	-	-
-	-	-	-	-	-	-	-	-

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 94 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	6	-	-	5.0	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	-	-	4.0	3	-
其他 Other	-	-	-	-	-	-
三七五租約 The 3/8th tenants lease act	46	-	-	36.0	30	-
證券交易 Securities trading	4	-	-	4.0	3	-
國際貿易 International trade	3	-	-	1.0	1	-
國家賠償 State compensation	66	2	-	47.0	32	-
執行事件訴訟 Execution litigation	91	1	-	65.0	53	-
撤銷仲裁判斷事件 Arbitral award annulment matters	21	1	-	12.5	10	-
選舉罷免訴訟 Election and recall litigation	3	-	-	3.0	1	-
勞資爭議處理法 Management-labor dispute settlement law	93	-	-	68.0	58	-
請求給付工資 Wage payment claim	18	-	-	14.5	11	-
終止勞動契約 Employment contract termination	1	-	-	-	-	-
請求給付退休金或資遣費 Retirement or severance payment claim	21	-	-	13.0	10	-
請求給予獎金或分配紅利 Incentive or bonus payment claim	1	-	-	-	-	-
請求給予損害賠償或職業災害補償 Claim of damages or compensation for occupational accidents	5	-	-	4.0	3	-
其他 Other	47	-	-	36.5	34	-
著作權 Copyright	-	-	-	-	-	-
專利權 Patent-right	10	-	-	5.0	5	-
商標專用權 Right of exclusive use of a trademark	7	-	-	4.5	4	-
其他 Other	19	1	-	14.0	11	-

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

2005 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		自爲判決 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	-	-	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
1	-	-	-	-	-	-	-	1
-	-	-	-	-	-	-	-	-
4	2.0	8.0	6	2.0	-	-	-	2
1	-	-	-	-	-	-	-	-
-	-	2.0	2	-	-	-	-	-
14	1.0	13.0	12	1.0	-	-	-	4
11	1.0	20.0	19	1.0	-	-	-	5
2	0.5	3.5	3	0.5	-	-	-	4
2	-	-	-	-	-	-	-	-
8	2.0	21.0	19	1.5	-	0.5	-	4
3	0.5	2.5	2	0.5	-	-	-	1
-	-	1.0	1	-	-	-	-	-
2	1.0	7.0	6	0.5	-	0.5	-	1
-	-	1.0	1	-	-	-	-	-
1	-	-	-	-	-	-	-	1
2	0.5	9.5	9	0.5	-	-	-	1
-	-	-	-	-	-	-	-	-
-	-	3.0	3	-	-	-	-	2
-	0.5	1.5	1	0.5	-	-	-	1
3	-	3.0	3	-	-	-	-	1