

CPC S. 100 - Second appeal - A second appeal, or for that matter, any appeal is not a matter of right - The right of appeal is conferred by statute - A second appeal only lies on a substantial question of law - If statute confers a limited right of appeal, the Court cannot expand the scope of the appeal - It was not open to the Respondent-Plaintiff to re-agitate facts or to call upon the High Court to reanalyze or re-appreciate evidence in a Second Appeal - Section 100 of the CPC, as amended, restricts the right of second appeal, to only those cases, where a substantial question of law is involved - The existence of a “substantial question of law” is the sine qua non for the exercise of jurisdiction under Section 100 of the CPC - 57. The condition precedent for entertaining and deciding a second appeal being the existence of a substantial question of law, whenever a question is framed by the High Court, the High Court will have to show that the question is one of law and not just a question of facts, it also has to show that the question is a substantial question of law - When no substantial question of law is formulated, but a Second Appeal is decided by the High Court, the judgment of the High Court is vitiated in law, as held by this Court in [Biswanath Ghosh v. Gobinda Ghose, AIR 2014 SC 152](#) - Formulation of substantial question of law is mandatory and the mere reference to the ground mentioned in Memorandum of Second Appeal can not satisfy the mandate of Section 100 of the CPC.

[Nazir Mohamed v. J. Kamala, 2020 SCej 2299](#)