

[CPC](#) S. 100 – High Court cannot substitute its own opinion for that of the first appellate Court, unless it finds that the conclusions drawn by the lower Court were erroneous being contrary to the mandatory provisions of the applicable law or contrary to the law as pronounced by the Supreme Court or based on inadmissible evidence or no evidence. That if the First Appellate Court has exercised its discretion in a judicial manner, its decision cannot be recorded as suffering from an error either of law or of procedure requiring interference in second appeal. While passing the impugned judgment and order, the High Court has exceeded in its jurisdiction while deciding the second appeal under Section 100 of CPC. It is not permissible for the High Court to reappreciate the evidence on record and interfere with the findings recorded by the Courts below and/or the First Appellate Court and if the First Appellate Court has exercised its discretion in a judicial manner, its decision cannot be recorded as suffering from an error either of law or of procedure requiring interference in second appeal.

*Gurnam Singh (Dead) By Legal Representatives And Others v. Lehna Singh (Dead) By Legal Representatives*, (2019) 7 SCC 641