

Code of Civil Procedure, 1908

Section 98 - Decision Where Appeal Heard by Two or More Judges

(1) where an appeal is heard by a bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

(2) Where there is no such majority which concurs in a judgment varying or reversing the decree appealed from, such decree shall be confirmed :

Provided that where the Bench hearing the appeal is [1](#)[composed of two or other even number of Judges belonging to a court consisting of more Judges than those constituting the Bench] and Judges composing the Bench differ in opinion on a point of law, they may state the point of law upon which they differ and the appeal shall then be heard upon that point only by one or more of the other Judges, the such point shall be decided according to the opinion of the majority(if any) of the Judges who have heard the appeal including those who first heard it.

[2](#)[(3) Nothing in this section shall be deemed to alter or otherwise affect any provision of the letters patent of any High Court]

1. Substituted by Act 104 of 1976, section 34, for certain words (w.e.f. 1-2-1977).

2. Inserted by Act 18 of 1928, section 2 and schedule I.