

**THE LIMITS OF THE DEVOLUTIVE EFFECT OF THE
APPEAL IN THE CIVIL LAWSUIT**

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ABSTRACT: *The appeal is characterized as a common, ordinary, reforming, devolutive remedy, suspending execution of the court judgment.*

The devolutive effect refers to the fact that the appeal brings about a retrial of the merits of the case. Devolution is limited by two rules expressed by the phrases: tantum devolutum quantum apelatum and tantum devolutum quantum iudicatum.

Tantum devolutum quantum apelatum means that the devolutive effect does not cover all questions of fact and law raised before the court of first instance, but only those which are expressly or implicitly criticized by the appellant.

Tantum devolutum quantum iudicatum means that the appeal, being directed against a final decision, is a means to continue the suit and not a means of widening the procedural framework in which the sides sustain new claims against each other or bring other persons before the court.

KEYWORDS: *remedies, appeal, devolutive effect, limits*

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