

**SUPREME COURT OF INDIA**

Sheo Pujan Singh

Vs.

Pyare Lal

C.A.No.8852 of 1997

(R. P. Sethi and Shivaraj V. Patil JJ.)

16.10.2001

**ORDER**

The Text below is only a summarized version of the order pronounced

First Appellate Court dismissed suit filed by respondent on ground of applicability of Section 168-A of Act. Second Appellate Court held that First Appellate Court committed error in applying Section 168-A when no such plea was raised in written statement, no issue formed to that effect and no arguments raised by the defendant to that effect. Supreme Court upheld decision of Second Appellate Court that in absence of pleading or framing of issue or argument first Appellate court should not have dismissed suit on ground of applicability of Section 168-A.