

<p>Parties Involved</p>

The five appellants

Mahabir (applicant)

The Nyaya Panchayat, Jokha Khas, district Deoria

The Allahabad High Court

<p>Facts</p>

A case was adjourned to December 25, 1963, and an urgent copy of the order was applied for and obtained on September 2, 1963.

The High Court stayed further proceedings pending before the Nyaya Panchayat.

The Nyaya Panchayat was absent on December 23, 1963, and the order was signed by three Panchas: Phagu Parsad, Jagat Dubey, and Badri Yadav.

A document purporting to be an affidavit was attached to the order.

Affidavits were filed in the High Court by Baldeo Prasad, Pairokar of Mahabir, the Sarpanch, and Mahabir.

The affiliation was not proper, and the Panchayats told Mahabir to get it verified in Tehsil.

A writ petition was filed in 1964 against the five appellants.

<p>Evidences</p>

The telegram sent by Mahabir to the High Court on September 2, 1963

The order signed by the three Panchas

The affidavit filed by Baldeo Prasad, Pairokar of Mahabir, the Sarpanch, and Mahabir

The order sheet containing the evidence

<p>Arguments</p>

The appellants' counsel argued that the High Court disbelieved the explanation of the Panchas given before it and that the affidavit and inadequacy of the evidence contained in the order sheet were passed by the High Court.

The appellants' counsel also argued that the High Court drew an adverse inference from the fact that the reasons for not accepting the prayer for stay were not recorded.

The learned counsel for the state contends that the facts should not be reappraised.

<p>Conclusions</p>

The High Court passed the order deliberately.

The court quoted with approval the passage from the Contempt of Court that it is not necessary that the order has been served upon the party against whom it has been granted.

The affidavit was not sworn to before a person authorized to administer oaths.

The application appears to have been made without attaching a telegram.

The High Court should not have drawn an adverse inference from the fact that the reasons for not accepting the prayer for stay were not recorded.

