

the appeal by special leave is directed against the judgment of the Allahabad High Court . the five appellants had disobeyed an order of stay passed by it staying proceedings pending before the Nyaya Panchayat, Jokha Khas, district deoria . on September 2, 1963, a case was adjourned to December 25, 1963 . an urgent copy of the order was applied for and obtained on the same day the High Court admitted the application and stayed further proceedings . it is alleged on the side of the applicant, Mahabir, that immediately after the receipt of the telegram an application was presented before the Nyaya Panchayat . this fact was denied and the high court seems not to have relied on this fact in its judgment . the Nyaya Panchayat was absent on December 23, 1963 . the order was signed by three Panchas, Phagu Parsad, Jagat Dubey and Badri Yadav . a document purporting to be an affidavit was also attached . affidavits were filed in the High Court by baldeo Prasad, pairkar of Mahabir, the Sarpanch, and Mahabir . the affiliation was not proper, but the Panchayats told him to get it verified in Tehsil . a writ petition was filed in 1964 against the five appellants . affidavit presented before the Nyaya Panchayat was not proper . the high court disbelieved the explanation of the Panchas given before it . but the High Court did nothing of the kind, a learned counsel says . the high court disbelieved the explanation of the Panchas given before it . affidavit and inadequacy of the evidence contained in the order sheet was passed by the High Court . the court said that the panchas did not believe the contents of the application . the order of the high court was passed deliberately to by the court . the court quoted with approval the following passage from the Contempt of Court . it is not necessary that the order had been served upon the party against whom it has been granted . the affidavit was filed before the Nyaya Panchayats on December 20, 1963 . it was not sworn to before a person authorised to administer oaths . a telegram was not attached to the application; the application appears to have been made . 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 . there is no evidence that the judicial officer had knowledge of the order of the High Court . the learned counsel for the state contends that we should not reappreciate the facts .