

**Parties Involved**

Appellants: Five individuals

Respondent: Mahabir

High Court: Allahabad High Court

Lower Court: Nyaya Panchayat, Jokha Khas, district Deoria

**Facts**

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, and the High Court stayed further proceedings.

The appellants disobeyed the order of stay passed by the High Court.

An application was presented before the Nyaya Panchayat on December 20, 1963, but it was not properly sworn to before a person authorized to administer oaths.

The affidavit and order sheet did not contain adequate evidence.

The Nyaya Panchayat was absent on December 23, 1963, and the order was signed by three Panchas.

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

**Evidences**

Affidavits filed by Baldeo Prasad, Pairokar of Mahabir, the Sarpanch, and Mahabir.

Order sheet containing the proceedings of the Nyaya Panchayat.

Telegram applied for and obtained on September 2, 1963.

Urgent copy of the order obtained on September 2, 1963.

</ul>

<p><strong>Arguments</strong></p>

<ul>

<li>The learned counsel for the appellants argues that the High Court disbelieved the explanation of the Panchas given before it and drew an adverse inference from the fact that the reasons for not accepting the prayer for stay were not recorded.</li>

<li>The learned counsel for the state contends that the High Court should not have drawn an adverse inference and that the appellants disobeyed the order of stay passed by the High Court.</li>

</ul>

<p><strong>Conclusions</strong></p>

<ul>

<li>The High Court passed an order deliberately to by-pass the court.</li>

<li>The High Court quoted with approval the passage from the Contempt of Court that it is not necessary that the order had been served upon the party against whom it has been granted.</li>

<li>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.</li>

<li>The appellants are seeking special leave to appeal against the judgment of the High Court.</li>

</ul>