

Parties Involved

Appellants: Five individuals

Respondent: Mahabir

Allahabad High Court

Nyaya Panchayat, Jokha Khas

District Deoria

Facts

On September 2, 1963, a case was adjourned to December 25, 1963, by the Nyaya Panchayat, Jokha Khas.

An urgent copy of the order was applied for and obtained, and the High Court stayed further proceedings.

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

A document purporting to be an affidavit was attached to the order, but it was not signed before a person authorized to administer oaths.

The affidavit was filed before the Nyaya Panchayat on December 20, 1963.

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

Evidences

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

Order sheet containing the order and the inadequacy of the evidence.

Telegram not attached to the application.

<p>Arguments</p>

The appellants' counsel 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.

The appellants' counsel further argues that the High Court should not have passed the order deliberately to by the court.

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

<p>Conclusions</p>

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.

The High Court should not have passed the order deliberately to by the court.

The learned counsel for the state argues that the facts should not be reappreciated.

