

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 787 OF 2005

STATE OF TRIPURA & ANR.

Appellant (s)

VERSUS

LAHALATA ROY & ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 11/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Rituraj Biswas, Adv.  
Mr. Manish Kumar, Adv.for  
Mr. Gopal Singh,Adv.

For Respondent(s) Mr. Avijit Bhattacharjee,Adv.  
Ms. Shrabani Chakraborty, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The Appeal is dismissed in terms of the signed  
order.. No costs.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija )  
Court Master

[Signed Order is placed on the File]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.787 OF 2005

State of Tripura & Another

..Appellants

versus

Lahalata Roy & Others

..Respondents

O R D E R

This Appeal has been filed against the impugned  
order of the Gauhati High Court dated 30th April, 2004.

While granting leave on 28th January, 2005, this

Court did not grant stay of the impugned judgment.

On a query put forth to the learned counsel for the appellants whether, in the absence of any stay order passed by this Court, the appellants have implemented the impugned judgment or not, he was not in a position to meet this query. However, learned counsel for the respondents has informed us that the impugned judgment of the High Court has not been implemented so far.

In our view, in the absence of any stay order passed by this Court, the judgment of the High Court should have been implemented since it was delivered in the year 2004 but the appellants failed to do so. It is well settled that mere filing of an appeal does not amount to stay, until and unless granted specifically. In fact, the appellants are in contempt for not implementing the judgment of the High Court. Hence, we are not inclined to exercise our

CIVIL APPEAL NO(s). 787 OF 2005

-2-

discretion under Article 136 of the Constitution of India in favour of the parties who flout the judgments of the courts.

The Appeal is dismissed on this ground alone. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
MARCH 11, 2010

.....J.  
[A.K. PATNAIK]