

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAI PUR BENCH, JAI PURORDERS. B. Civil Writ Petition No. 8647/2008  
{Badri Prasad & Others Versus Additional  
District Judge & Others}Date of Order :: 29<sup>th</sup> August, 2008

PRESENT

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN

Mr. G. L. Sharma for the petitioners

BY THE COURT:

Heard learned counsel for the petitioners.

2. The trial court allowed the application under Order 39 Rule 2 A CPC filed by the applicant-respondent no. 2 and convicted the contempor-petitioners with civil imprisonment of one month.

3. Being aggrieved with the same, the petitioners filed misc. appeal before first appellate court, which has also been dismissed vide order dated 5<sup>th</sup> August, 2008. Being aggrieved with the same, the petitioners have preferred the present writ petition under Article 226 and 227 of the Constitution.

4. The order passed by the appellate court is revivable under Section 115 CPC, therefore, the petitioners have alternative

remedy and it is the settled law that where alternative remedy is available, the extraordinary jurisdiction of this Court under Article 226 and 227 of the Constitution of India cannot be invoked. Consequently, the writ petition is dismissed in limine.

(NARENDRA KUMAR JAIN), J.

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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAI PUR BENCH, JAI PUR

ORDER

S. B. Civil Misc. Stay Application No. 1805/2008  
In

S. B. Civil Writ Petition No. 8647/2008  
{Badri Prasad & Others Versus Additional  
District Judge & Others}

Date of Order :: 29<sup>th</sup> August, 2008

PRESENT

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN

Mr. G. L. Sharma for the petitioners

BY THE COURT:

Consequent upon the dismissal of writ petition, the stay application, filed therewith, does not survive and the same stands disposed of.

(NARENDRA KUMAR JAIN), J.