

Court No. - 18

Case :- WRIT - B No. - 2553 of 1982

Petitioner :- Jauwad Husain And Others

Respondent :- Mohd.Yunus And Others

Counsel for Petitioner :- H.Charan,Ashish Kr.

Mishra,P.K.Shukla,Promod Kr. Shukla

Counsel for Respondent :- C.S.C.,Abdul Razzaque Khan,H.S.Sahai,Hasan Agha Jafri,Mohammad Sohail Khan,Mohd Umair Ansari,Pankaj Gupta

Hon'ble Saurabh Lavania,J.

1. Case called out in revised list. No one has put in appearance on behalf of the appellant to press this appeal. However, learned State counsel and Shri Pankaj Gupta, learned counsel for respondents are present in Court.

2. It appears that the appellant and the counsel engaged by the appellant both have lost the interest in the case and are not interested in pursuing the appeal, which is pending since 1982.

3. It would be appropriate to refer two maxims:-

(i) *Vigilantibus non dormientibus jura subveniunt* (The law assists only those who are vigilant, and not those who sleep over their rights); and

(ii) *Interest reipublicae ut sit finis litium* (In the interest of the society as a whole, the litigation must come to an end).

The above said two maxims are sister provisions, which would highlight and spotlight that the party seeking remedy before the Court should be vigilant, otherwise, the law would not come to their help and there should be end to litigation.

4. Considering the aforesaid, this Court feels that the appeal should not be disposed of on merits and should be dismissed for non-prosecution. Accordingly, it is ***dismissed*** for non-prosecution. Interim order, if any, stands vacated.

Order Date :- 26.10.2023

Arnima