Court No. - 11

Case :- APPLICATION U/S 378 No. - 139 of 2004

Applicant :- Smt.Saliha Khanam
Opposite Party :- Smt.Saliha Khanam
Counsel for Applicant :- K.N.Misra
Counsel for Opposite Party :- Govt.Advocate,Girdhari Lal Shukla

Hon'ble Saurabh Lavania,J.

1. Case called out in revised list. No one has put in appearance on behalf of the petitioner/ applicant to press this application. However, learned counsel representing side opposite is present in the Court.

2. It appears that the petitioner/applicant and the counsel engaged by the petitioner/ applicant both have lost the interest in the case and are not interested in pursuing the application, which is pending since 2004.

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 application 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 :- 11.12.2023
Vinay/-

Digitally signed by :-
VINAY KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench