Court No. - 12

Case :- CRIMINAL MISC. WRIT PETITION No. - 11634 of 2019

Petitioner :- Nityanand And Ors.
Respondent :- State Of U.P. Thru. Prin. Secy. Home Lucknow And Ors.
Counsel for Petitioner :- Vijay Kumar Pandey
Counsel for Respondent :- G.A.,Om Prakash Mishra

Hon'ble Saurabh Lavania,J.

1. Case called out. No one has put in appearance on behalf of the petitioner(s) to press this petition. However, learned counsel representing side opposite is present in the Court.

2. It appears that the petitioner(s) and the counsel engaged by the petitioner both have lost the interest in the case and are not interested in pursuing the petition, which is pending since 2019.

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 petition 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 :- 19.12.2024
Anand/-

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