Court No. - 12

Case :- CRIMINAL MISC. WRIT PETITION No. - 1005120 of 2011

Petitioner :- Mohd. Ayub
Respondent :- State Of U.P. Thro. Its Prin. Secy. Home And 9 Others
Counsel for Petitioner :- B.K. Singh
Counsel for Respondent :- Govt. Advocate,Mohd.Aslam Khan,Syed Aftab Ahmad

Hon'ble Saurabh Lavania,J.

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

2. It appears that the petitioner and the counsel engaged by the petitioner both have lost the interest in the case and are not interested in pursuing the petition.

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 as also the pendency of the case i.e. from the year 2011, 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 :- 28.11.2024
Mohit Singh/-

Digitally signed by :-
MOHIT SINGH
High Court of Judicature at Allahabad,
Lucknow Bench