Court No. - 12

Case :- CRIMINAL MISC. WRIT PETITION No. - 1007366 of 2013

Petitioner :- Binda Prasad And Others
Respondent :- Upper Session Judge Court No. 1 Raibareli And Others
Counsel for Petitioner :- Vijay Kumar Pandey
Counsel for Respondent :- Govt. Advocate,Hem Chandra Bajapi,Surya Bhan Singh

Hon'ble Saurabh Lavania,J.

1. Case called out in revised list. No one has put in appearance on behalf of the petitioners to press this petition. However, learned A.G.A. is present in the Court.

2. It appears that the petitioners and the counsel engaged by the petitioners both have lost the interest in the case and are not interested in pursuing the petition, which is pending since 2013.

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 :- 3.12.2024
Jyoti/-

Digitally signed by :-
JYOTI RAJWANI
High Court of Judicature at Allahabad,
Lucknow Bench