



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 17077/2021

1. Asha W/o Late Hitendra Kumar Garasiya, Aged About 42 Years, Village Post Godwa, Tehsil Kherwara, District Udaipur, Rajasthan.
2. Urvashi D/o Late Hitendra Kumar Garasiya, Aged About 18 Years, Village Post Godwa, Tehsil Kherwara, District Udaipur, Rajasthan.
3. Piyush Kumar (Minor) S/o Late Hitendra Kumar Garasiya, Aged About 12 Years, Through Her Mother Asha W/o Late Hitendra Kumar Garasiya, Aged About 42 Years, Resident Of Village Post Godwa, Tehsil Kherwara, District Udaipur, Rajasthan.

----Petitioners

Versus

1. Union Of India, Through Foreign Secretary, Ministry Of External Affairs, Government Of India, Central Registry South Block, New Delhi.
2. Counselor (Coordinator), Consular Service Management System, Ministry Of External Affairs, Government Of India, Central Registry South Block, New Delhi.
3. Deputy Chief Of Mission At Embassy Of India, Moscow, Russia, Through Ministry Of External Affairs, Government Of India, Central Registry South Block, New Delhi.
4. Senior Counsellor, Head Of Consular Division, The Embassy Of Russian Federation In The Republic Of India, Tolstoy House, Tolstoy Road, Connaught Place, New Delhi.
5. State Of Rajasthan, Through Secretary, Department Of Home, Secretariat, Jaipur.

----Respondents

For Petitioner(s) : Mr. Suniel Purohit
For Respondent(s) : Mr. R.D. Rastogi, Additional Solicitor General.



JUSTICE DINESH MEHTA

Order

08/12/2021

1. The petitioners – hapless members of interior tribal village have approached this Court with a grievance that mortal remain of their husband/father late Hitendra Kumar Garasiya, who has passed away in some accident in Russia are lying in Russia unattended since last four months.

2. The petitioners have been running from pillar to post but of little avail.

3. Mr. Purohit, learned counsel for the petitioners invites Court's attention towards the communication dated 04.12.2021 written by the Embassy of Russia inter-alia indicating that whatever is to be done, has to be done by the Indian Embassy at Russia.

4. Having regard to the plight of the hapless petitioners and sensitivity of the issue, Mr. R.D. Rastogi, learned Additional Solicitor General is requested to appear in this matter and do the needful including sensitizing all concerned so that the petitioners are able to observe last rituals of the mortal remains of their family member with dignity.

5. Mr. Rastogi, appearing virtually before the Court assures that all possible assistance shall be extended to the petitioners by the Government of India, of course subject to bilateral treaties and applicable law.

6. List this case on 15.12.2021.

(DINESH MEHTA),J

s-208-arun/-



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 17077/2021

1. Asha W/o Late Hitendra Kumar Garasiya, Aged About 42 Years, Village Post Godwa, Tehsil Kherwara, District Udaipur, Rajasthan.
2. Urvashi D/o Late Hitendra Kumar Garasiya, Aged About 18 Years, Village Post Godwa, Tehsil Kherwara, District Udaipur, Rajasthan.
3. Piyush Kumar (Minor) S/o Late Hitendra Kumar Garasiya, Aged About 12 Years, Through Her Mother Asha W/o Late Hitendra Kumar Garasiya, Aged About 42 Years, Resident Of Village Post Godwa, Tehsil Kherwara, District Udaipur, Rajasthan.

----Petitioners

Versus

1. Union Of India, Through Foreign Secretary, Ministry Of External Affairs, Government Of India, Central Registry South Block, New Delhi.
2. Counselor (Coordinator), Consular Service Management System, Ministry Of External Affairs, Government Of India, Central Registry South Block, New Delhi.
3. Deputy Chief Of Mission At Embassy Of India, Moscow, Russia, Through Ministry Of External Affairs, Government Of India, Central Registry South Block, New Delhi.
4. Senior Counsellor, Head Of Consular Division, The Embassy Of Russian Federation In The Republic Of India, Tolstoy House, Tolstoy Road, Connaught Place, New Delhi.
5. State Of Rajasthan, Through Secretary, Department Of Home, Secretariat, Jaipur.

----Respondents

For Petitioner(s) : Mr. Sunil Purohit
For Respondent(s) : Mr. RD Rastogi, Additional Solicitor
General through Cisco Webex App

JUSTICE DINESH MEHTA

Order



15/12/2021

1. Mr. RD Rastogi, learned Additional Solicitor General, who was requested to appear in this matter, informs that all the endeavors are being made to ensure that the mortal remains of late Hitendra Kumar Garasiya (petitioners' husband/ father) are brought to India.

2. As per information available with him the authorities at Russian Federation are not handing over the body pending FSL Report.

3. Having regard to the fact that said Hitendra Kumar passed away on 17.07.2021, this Court feels that the Government of Russian Federation must be requested to expedite the process in this regard.

4. This Court is not oblivious to its limitations in issuing a writ to respondent No.4 or the Government of Russian Federation, however, with a view to deal with a rather unprecedented situation and to coordinate the steps to be taken, this Court deems it expedient to issue notice to respondent No.4.

5. Let notice be issued to respondent No.4, returnable on 20.12.2021. Notices be given 'dasti' for service upon respondent No.4.

6. The Registrar Judicial, Rajasthan High Court is directed to send copy of this order so also the notice of respondent No.4 on the email I.D. i.e. indconru@gmail.com.

(DINESH MEHTA),J

82-pooja/-