



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

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

Asha

----Petitioner

Versus

Union Of India

----Respondent

For Petitioner(s) : Mr. Sunil Purohit through VC
For Respondent(s) : Mr. RD Rastogi, learned ASG
Mr. BP Bohra through VC
Mr. Sandeep Shah, Addl. Adv. General



JUSTICE DINESH MEHTA

Order

12/01/2022

1. Mr. RD Rastogi, learned Addl. Solicitor General submits that according to the Russian Government, as the family of the deceased did not turn up to claim the body, it was buried in the cemetery in Moscow on 03.12.2021.
2. It is informed that on the persuasion of the officials of the Indian Government/Embassy stating that as per customs of the deceased, body is required to be cremated and not buried and upon considering that the burial would adversely affect the obsequial rites of the petitioners, the investigative committee has agreed to exhume the body and hand it over to the mortuary, whereafter upon completion of the requisite formalities and procedure, the body has been decided to be handed over to the authorized person.
3. It is further submitted that due to winter vacation in the Russia, the needful could not be done and the body could not be handed over to the authorized agent. It is assured that the same



will, however, be done at the earliest and the mortal remains/ body of the deceased - Hitendra Kumar will be handed over to the assigned agent within a period of 2 to 3 days, as informed by the Russian Council to the Indian Embassy.

4. Mr. Rastogi, further assures that the body shall be brought to Indira Gandhi International Airport, India, whereafter it will be the responsibility of the State of Rajasthan to ensure that the same reaches to the petitioners. He thus, prays that the state be directed to make the necessary arrangements for handing over the body to the petitioners-family members.

5. The Additional Chief Secretary cum Resident Commissioner, Bikaner House Delhi is hereby directed to make requisite arrangement for bringing the body from Indira Gandhi International Airport to the petitioners' residence.

6. Mr. Sandeep Shah, learned AAG, is directed to accept notices on behalf of the State of Rajasthan and do the needful including sensitization of all concerned.

7. Needless to observe that once the body is received from the Russian Government, Union of India, so also the State of Rajasthan will make all endeavors to ensure that it is handed over to the petitioners- family members at their Village Godwa, Tehsil Kherwara at the earliest.

8. List this case on 18.01.2022.

(DINESH MEHTA),J

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