EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 25085/05
Tatyana Mikhaylovna CHIYANOVA
against Russia

The European Court of Human Rights (Third Section), sitting on 24 May 2016 as a Committee composed of:
Helena Jäderblom, *President,*
Dmitry Dedov,
Branko Lubarda, *judges,*
and Stephen Phillips, *Section Registrar,*
Having regard to the above application lodged on 24 June 2005,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Tatyana Mikhaylovna Chiyanova, a Russian national, was born in 1949 and lived in Omsk. She was represented before the Court by Ms V. Sagaydachnaya, a lawyer practising in Zheleznodorozhnyy, Moscow District.

The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights.

The applicant had a dispute with another private party concerning the ownership of a flat she had been living in.

On 26 March 1998 the Kuybyshev District Court of Omsk found for the applicant. On 26 August 1998 the Omsk Regional Court upheld the judgment on appeal.

On 29 March 2005 the Presidium of the Omsk Regional Court quashed the judgment of 26 March 1998 by way of supervisory review and remitted the case for fresh consideration.

On 31 March 2006 the Kuybyshev District Court of Omsk found against the applicant but awarded her 550,000 Russian roubles as compensation.

On 17 May 2006 the Omsk Regional Court upheld the judgment on appeal.

On 27 February 2007 the owner of the disputed flat sought the applicant's eviction from it. By the judgment of 3 May 2007 the Kuybyshev District Court of Omsk ordered the applicant's eviction from the flat.

On 9 April 2008 the Omsk Regional Court upheld the judgment on appeal.

The applicant complained under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention about quashing by way of the supervisory review of the final judgment in her favour. She further complained under Article 8 of the Convention about interference with her right to respect for home.

By letter of 10 February 2010 the applicant's representative informed the Registry that the applicant had died on 2 January 2009 and that she wished to continue the proceedings before the Court in her stead.

The Government argued that the late applicant's representative had had no legitimate interest in pursuing the claim since she was not a relative of the applicant and had not submitted any evidence in respect of her right to claim the inheritance in question. On the contrary, the late applicant had bequeathed her property to Mrs O. Gorte, who had subsequently received the amount awarded on 31 March 2006 by the Kuybyshev District Court of Omsk. They further argued that Ms V. Sagaydachnaya had had an insufficient legitimate interest in pursuing the proceedings, observing in particular that she did not appear to have ever supported the applicant after she had taken up residence in the Gerontological Centre of the Omsk Region on 26 July 1994. Finally, the Government pointed out that in any event, the late applicant's claims had been specific to the applicant and consequently were not transferable (see *Belskiy v. Russia* (dec.), no. 23593/03, 26 November 2009).

The Court observes that the applicant has died and no heir or close relative or any other person with legitimate interest has asked to pursue the application. The applicant's lawyer, Ms V. Sagaydachnaya, does not fall into any of these categories (see, among other authorities, *Thévenon v. France* (dec.), no. 2476/02, ECHR 2006-III). The Court thus does not accept that Ms V. Sagaydachnaya has a legitimate interest in pursuing the proceedings before the Court in the applicant's stead.

The Court does not consider that "respect for human rights, as defined in the Convention and the Protocols" requires the examination of this application, despite the applicant's death.

THE LAW

In the light of the above, the Court concludes that it is no longer justified to continue the examination of the application and concludes, under Article 37 § 1 (c) of the Convention, that it should be struck out of its list of cases.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 16 June 2016.

Stephen Phillips
Registrar

Helena Jäderblom
President