

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

FIRST SECTION

DECISION

Application no. 42058/09
by Yalchyn Tofikovich DZHANAGAYEV
against Russia

The European Court of Human Rights (First Section), sitting on 11 October 2011 as a Chamber composed of:

Nina Vajić, *President,*
Anatoly Kovler,
Peer Lorenzen,
Elisabeth Steiner,
Khanlar Hajiyev,
Mirjana Lazarova Trajkovska,
Julia Laffranque, *judges,*

and Søren Nielsen, *Section Registrar,*

Having regard to the above application lodged on 16 July 2009,

Having regard to the decision to grant priority to the above application under Rule 41 of the Rules of Court,

Having deliberated, decides as follows:

THE FACTS AND PROCEDURE

The applicant, Mr Yalchyn Tofikovich Dzhanagayev, is a Russian national who was born in 1969 and lives in Vladikavkaz. He is represented before the Court by Mr E.N. Farzaliyev, a lawyer practicing in Vladikavkaz. The Russian Government ("the Government") are represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

The applicant complained about the dismissal by domestic courts of his claim for indexation of judicial monetary awards due to a delayed execution of judgements delivered in his favour.

On 10 September 2010 the Court decided to give notice to the Government of the applicant's complaint mentioned above.

On 12 October 2010 the applicant's representative informed the Court that the applicant wanted to withdraw the application since he intended to apply to domestic courts for a review of the judgements on indexation due to newly discovered circumstances. According to the applicant, he was confident of a positive outcome of his new complaint to domestic courts, given that the military courts started to consider the claims for indexation in strict compliance with the relevant provisions of the Code of Civil Procedure and a decision of the Constitutional Court of Russia of 20 March 2008.

THE LAW

The Court takes note of the fact that the applicant does not intend to pursue his application. In the light of this, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention or its Protocols, the Court considers that it is appropriate to strike the case out of the list pursuant to Article 37 § 1 (a) of the Convention.

For these reasons, the Court unanimously

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

Søren Nielsen
Registrar

Nina Vajić
President