

OFFICE OF THE OMBUDSMAN

Islamabad

FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000094/2020

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsman TITLE: Eiman Gharib Mohammad Vs Saleem Ahmed Jan & others
1	2	3
	10-09-2020	<p>Complaint No. <u>FOH-HQR/0000094/2020</u></p> <p>This order is to decide instant complaint partially, filed by the Complainant, Ms. Eiman Gharib Mohammad Elbehiry w/o Mohammad Saleem Qadri (late) House No.1292, Street No.51, Allama Iqbal Colony, TENCH BHATA Rawalpindi, in terms of section 4 of the Enforcement of Women's Property Rights Act, 2020. Whereas the husband of the Complainant Muhammad Saleem Qadri had died on 3rd of August, 2016, who was the owner of the house No. M1, Villa No.33, EMAAR DHA, Islamabad (hereinafter referred as property). Hence, claimed her legal share in the property.</p> <p>The Complainant also got a legal heir ship certificate on 29-11-2019 from the Court of Mr. Rasool Ahmed Baksh MirJat, Learned Civil Judge, Islamabad (East) and as per decree, the Complainant has declared legal heir of Mr. Saleem Qadri. Moreover the Complainant is also obtained NOC from the office of Respondent No. 3 (EMAAR) through court decree and had also cleared dues of last six months of the property.</p> <p>Whereas this forum, by following the prescribed procedure has referred the instant matter to the Deputy Commissioner (DC) Islamabad for inquiry and report. Similarly, the DC office has sent the matter to concerned Assistant Commissioner for report.</p> <p>After completion of the inquiry this forum received the inquiry report</p>

along with findings from the inquiry office through Deputy Commissioner.

Thereafter the parties were summoned and called for hearing and objections on the report, if any. The Complainant along with her learned counsel appeared and raised no objection. Asif Farooq did not appear and respondent No.1 Saleem Ahmed appeared and submit his objections.

The learned counsel for Complainant heard and record available on file perused. It is crystal clear from the inquiry report and record that the Respondent No. 3 is illegal occupant of the said house. While none of the relative of Complainant had rented out such property to the Respondent No. 3. On the other hand Respondent No. 2 Asif Farooq who was also the illegal occupant of the said property. The Respondent No. 3 had admitted this fact and surrendered the possession through his statement in favor of Complainant.

Whereas, the Complainant is an old lady and is suffering from multiple cancer disease, therefore the Respondent may have with the intention to grab the property of Complainant. Therefore by exercising powers granted to this forum under section 5 read with section 11(b) of the Enforcement of Women's property Rights Act, 2020, directs the learned Deputy Commissioner along with area magistrate (executive) to get the possession of the said property from the occupant/Respondent No. 1 by exercising all the legal formalities for the same. Further directed under section 8 to recover the amount of Rs. 6 Lacks (as losts of rent for last six months) in addition to Rs. 540,000 as a difference of market value rent which respondent No.1 did not pay from March , 2019 upto 2020 to respondent No.2 that the compliance report should be submitted after execution of this order.

OMBUDSMAN