

**OFFICE OF THE FEDERAL OMBUDSMAN**  
**FOR PROTECTION AGAINST HARASSMENT OF WOMEN**  
**AT THE WORKPLACE, ISLAMABAD**

**FORM OF ORDER SHEET**

Complaint No. **FOH-HQR/0000275/2021**

Serial No. of Order of Proceedings	Date of order of Proceedings	<p style="text-align: center;"><b>THE ENFORCEMENT OF WOMEN'S PROPERTY RIGHTS ACT 2020</b></p> <p style="text-align: center;">Order of other proceedings with Signature of Federal Ombudsman</p> <p style="text-align: center;"><b>FARWA SHABBIR VS SALMA AKHTAR &amp; OTHERS</b></p>
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	04-10-2022	<p>Complaint No. <u><b>FOH-HQR/0000275/2021</b></u></p> <p>Complainant Ms. Farwa Shabir alongwith her counsel Mr. Moosa Aman Ullah, advocate present.</p> <p>Since Respondents have already been placed ex-parte, ex-parte arguments advanced by the learned counsel for the Complainant heard and record perused.</p> <p>The authentic record placed on the file shows that Complainant Farwa Shabir and her sister Salma Akhter are real sisters having been born from the wedlock of Ghulam Shabir Janjua and Ms. Khishwar Sultana. Ms. Khishwar Sultana pre-deceased Mr. Ghulam Shabir Janjua and as such two sisters Farwa Shabir and Salma Akhter were developed upon the inheritance of their father Ghulam Shabir Janjua. FRC placed on the file is clear in this regard. Mr. Ghulam Shabir Janjua died on 20-08-2021 leaving behind house No. 304-G, street No. 30, sector F-11/2, Islamabad, white cultus (Abz-</p>

915) Islamabad registered and savings in Standard Chartered Bank, F-7 Branch, Islamabad.

The above properties, allegedly, remained in use and occupation of Ms. Salma Akhtar depriving the Complainant Farwa Shabir of her share in the property. Complainant first approached the Civil Court for her share out of the property of her deceased father but later on, it appears, she withdrawn her suit with prayer to file fresh suit, if so needed. Attested copy of the order dated 10-05-2022 of Civil Judge Islamabad is available on the record in this regard. In this background this matter then landed at this forum in the shape of instant complaint where Complainant Farwa Shabir sought for her share out of the inheritance of her father. Initially this matter was sent to Deputy Commissioner office Islamabad for inquiry. The report was not prepared as required rather it was drafted without any labor submitting that the parties should resort to Civil Court.

On account of continuous none appearance of the Respondent, ex-parte proceedings were initiated and the Complainant was asked to record her ex-parte evidence. Ex-parte evidence was recorded. Complainant Farwa Shabir recorded her statement as PW 1 in connection with her affidavit Ex PW 1/1 and FRC Ex PW 1/2. Muhammad Naseer came as PW 2 to confirm her affidavit Ex PW 2/1. Similarly Ashraf Javed got recorded his statement as PW 3 in support of his affidavit EX PW 3/1.

Record of Excise and Taxation department Islamabad Capital Territory was placed on the file to show that vehicle Suzuki Cultus VXR, Registration No. Abz-951, model 2016, colour white was transferred in the name of Mr. Usman Wahid and Mr. Ghulam Shabir Janjua on 21-11-2019 and 14-01-2020 respectively. As per this report the vehicle was in the name of Ghulam Shabir Janjua.

Standard chartered bank record show that account No. 05730925279 was jointly owned by Ghulam Shabir Janjua and Salma Ghulam. The record produced by CDA shows that plot 304-G, street No. 30, Sector F-11/2, Islamabad was transferred to Ghulam Shabir Janjua on 16-07-2010. So far as the house in dispute i.e. house No. 304-G, street No. 30, sector F-11/2, Islamabad is concerned that is proved to be the property of Ghulam Shabir Janjua, the predecessor in interest of Farwa Shabir and Salma Akhter. There is nothing to contradict or rebut the above fact. Hence both the Complainant and Respondent of the case being legal heirs of Ghulam Shabir Janjua are entitled to equal share out of the suit house.

Regarding Suzuki Cultus Abz-951 the same is also recorded in the name of the father of the parties and for that matter the vehicle also belongs to the two sisters in equal share. However the account shown in Standard Chartered Bank is entered as a joint account in the name of Ghulam Shabir Janjua and Salma Shabir which could be jointly operationed by each of them. There is no evidence on behalf of the Complainant that any fraud or embezzlement has been made by the Respondent with regard to said bank account.

In view of above, while invoking all the relevant provisions of the Women's Property Rights Act 2020 i.e. Section 4, Section 5 and Section 7 I am of the view that the Complainant being a woman has been deprived of ownership or possession of the above mentioned two properties and as such she is entitled to be handed over her due share in terms of Section 5 ibid. Accordingly I shall direct Deputy Commissioner Islamabad to take steps so as to restore or confer possession or title of the built up property to the Complainant and to furnish his report within seven days of receipt of order.

		<p>For vehicle in question, Excise and taxation department is directed to take physical possession of the vehicle and to put it on sale so that its proceeds be divided between the two ladies equally.</p>
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Adjourned to **17-10-2022**.

**FEDERAL OMBUDSMAN**