

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN

AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000515/2022

Date of Institution: 15-12-2022

| Serial No. of Order of Proceedings | Date of order of Proceedings | THE ENFORCEMENT OF WOMEN'S PROPERTY RIGHTS ACT 2020 Order of other proceedings with Signature of Federal Ombudperson Ms. Ameena Begum versus Mr. Tufail Ahmed & Others |
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| 1 | 2 | Property description: 8 Kanal 19 marla situated at Moza Kot Hathyal, Islamabad |
| 25 | 20-09-2023 | Complaint No. <u>FOH-HQR/0000515/2022</u> Arguments on the application already heard and record perused. As per available record Ms. Ameena Begum (hereinafter called the Complainant) filed the instant complaint against Tufail Ahmed & others (hereinafter called the Respondents) claiming that she is co-sharer in the land measuring 8 kanals 19 marlas comprising khasra No. 894/2 khewat No. 268 khatooni No. 392 Mozah Kot Hatyal, tehsil & district Islamabad but the said property has been illegally possessed and occupied by Respondent No. 1 & 2 and as such the Complainant is entitled to be restored possession of her share in the suit property. She prayed for possession of her share out of the suit property and also some other relief which the forum deems appropriate. |

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| | | <p>In reply to this complaint, Respondents submitted their written defense to the effect that Complainant has no locus standi or cause of action to file the complaint because she is no more owner of the suit property. Respondents filed an application for rejection of complaint on the ground that it is not maintainable because the Complainant is no more owner of the suit property.</p> <p>After this the Complainant submitted fresh application for amendment of her complaint impleading her daughters Sadia Sultana, Ayesha Sultana and Bushra Sultana and her sister Ameer Begum as party to the complaint on the ground that they are lawful owners and she is also their general power of attorney. This application was resisted by the Respondents on the plea that Complainant being not the owner of the property cannot file this complaint and cannot seek for any amendment. Local revenue authority was asked to produce the relevant record along with the report which they produced in detail. Report furnished by the Revenue officer concerned shows that Ameena Begum is not recorded as owner in the suit khasra number rather her daughters are recorded as owners to the extent of their respective shares. Complainant is shown to have sold/transferred her share to her daughters through mutation No. 33725 available on the record.</p> <p>It simply means that Complainant Ameena Begum is not an owner in the suit property. To make it more clear, Complainant was neither owner nor in possession of the property falling in the suit khata and khasra number by the time she filed the instant complaint. Needless to explain that under Section 4 of the Enforcement of Women's Property Rights 2020 only that woman can file complaint who is deprived of the ownership or possession of her property, whereas in the instant case Complainant has neither been deprived of the ownership or possession of any property because the property</p> |
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claiming by her is not owned by her. Complainant's case is, therefore, not covered by Section 4 of the Act 2020.

As regards the application of the Complainant for amendment in the case, she is not entitled to seek for amendment because she becomes irrelevant in the case, being not the owner of the property. However, it depends upon the rightful owners i.e. her daughters to independently approach this forum through a complaint against those whom they alleged to have been in illegal possession of the property. After filing independent case by the daughters of the Complainant they can appoint Complainant as their attorney, if so advised.

At present, this case is not proceedable because Complainant is not the owner of the property in the Revenue record. Thus not only the amendment application of the Complainant is rejected the entire complaint is dismissed being not maintainable at the moment.

FEDERAL OMBUDSPERSON