

OFFICE OF THE OMBUDSMAN

Islamabad

FORM OF ORDER SHEET

Complaint No. FOH-HQR/00000178/2020

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 Ombudsman TITLE: MEHROONA QASIM VERSUS MR. NASIR ZIA SUBHANI
1	2	3
	24-06-2021	<p>Complaint No. <u>FOH-HQR/00000178/2020</u></p> <p>Ms. Mehroona Qasim widow of Qasim Zia has filed the instant complaint in terms of the Enforcement of Women's property rights Act 2020 praying to restore her lawful title and possession over house No. 63, Main Gomal Road, sector E-7, Islamabad. The Complainant claims that the above mentioned premises was jointly owned by her husband with his brothers but after his demise the present accused displayed the callous and indifferent attitude towards her lawful rights and involved her and her children in frivolous civil litigation still pending in the law courts. The Complainant apprehends that the civil litigation might consume much time as usual and hence she knocked at the door of this forum in view of the provisions of Women's Property Rights Act 2020.</p> <p>According to the Complainant she along with her children have been consistently harassed by the accused party to deprive them of their legal rights in the premises.</p> <p>Having been registered the complaint at this forum, the matter was sent to Deputy Commissioner Islamabad for inquiry as per section 4 of the Act 2020. The inquiry report received from that office highlighted the previous background of civil litigation between the parties.</p> <p>After receipt of the inquiry report from Deputy Commissioner office Islamabad this forum initiated the process under sub section 5 of section 4 of the Act 2020</p>

calling upon the stakeholders in connection with passing orders under section 5 of the Act 2020. Complainant side came and heard in this regard.

At present the position of the case is that a civil suit filed by one Nasir Zia Subhani, brother of Qasim Zia, the predecessor in interest of the present Complainant, has been dismissed by the learned civil court (Raja Farrukh Ali Khan, Civil Judge First class West Islamabad) on 30-01-2021 due to non prosecution. It is stated that no application what so ever has been filed by the delinquent for restoration of the case. It means there is no civil litigation pending between the parties in any competent forum.

The present Complainant has placed on the file relevant record to the above effect. The Complainant has also placed on the record the order of Capital Development Authority, whereby on the application of Complainant and other legal heirs of the deceased predecessor in interest namely Qasim Zia Subhani, their respective shares have been transferred to them out of plot No. 63, sector E-7 Islamabad measuring 800 sq yards in the joint names of the legal heirs. Detail of the allottees is given in CDA letter No. CDA/EM-E-7/63/75/17654 dated 21st September, 2015.

In view of above, it seems appropriate to invoke the provisions of Section 4 and 5 of Enforcement of Women's Property Rights Act 2020. The Complainant as well as the other legal heirs of deceased Qasim Zia Subhani are entitled to get their respective shares out of plot/property No. 63, sector E-7 Islamabad as per CDA letter dated 21st September, 2015. So I direct Deputy Commissioner Islamabad to take steps so as to restore or confer possession or title of the property to the Complainant including measure to perfect such title. DC Islamabad shall submit the compliance report within seven days to this forum in respect of the implementation of this order.

OMBUDSMAN

