

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

FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000218/21

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: NASEEM AKHTAR & OTHERS VS IFTIKHAR HUSSAIN & OTHERS
1	2	3
	29-09-2022	<p>Complaint No. <u>FOH-HQR/0000218/21</u></p> <p>Arguments with regard to objections of the Respondents on jurisdiction of this forum heard.</p> <p>During the arguments the merits of the case also discussed.</p> <p>Admittedly, Haji Muhammad Riaz died leaving behind two sons and two daughters. Raja Iftikhar Hussain and Raja Tariq Mehmood are the sons while Shamim Akhter and Naseem Akhter are the daughters of Raja Muhammad Riaz, as per FRC placed on the file. The deceased left the legacy/property both landed and built up in two districts i.e. Rawalpindi and Islamabad, the detail given in the instant complaint.</p> <p>Ms. Shamim Akhter and Naseem Akhter approached this forum seeking their share out of the inheritance of their father with the allegations that their brothers and nephews have deprived them of their ownership and possession of the property. They prayed to give them their shari share out of the legacy of their father. Respondents</p>

filed their written reply assailing the jurisdiction of this forum on the ground that some of the properties mentioned in the complaint are situated outside the territorial jurisdiction of this forum. They particularly referred to the properties situated in Moza Shakrial and Moza Khanna Dak which according to them fall within the limits of Tehsil & District Rawalpindi.

The record has been scrutinized in the light of the contentions of the parties. It reveals from the report furnished by the revenue officials that land measuring 4 kanals 9 marlas comprising khasra No. 1361, khasra No. 1362 and khasra No. 1360 of Moza Tarlai Kalan, tehsil & district Islamabad is still entered in the name of Muhammad Riaz, the predecessor in interest of the parties. It is further mentioned in the report that the property situated in moza Khanna Dak and Moza Shakrial lies within the limits of tehsil & district Rawalpindi. One double storey house is reported to be within the domain of CDA.

As regard the land situated in Jhang Sayedan, tehsil & district Islamabad, according to the Patwari report area measuring 23 kanals 18 marlas has been sold by Raja Muhammad Riaz in favor of Tariq Mehmood and Rauf Iftikhar through mutation No. 6097 attested on 16-09-2015.

In view of the above report, supported by revenue documents Raja Muhamamd Riaz has left behind land measuring 5 kanal 1 marla 3 sarsai in Moza Tarlai Kalan, Tehsil & District Islamabad and for that matter all the legal heirs are entitled to inherit that property in accordance with their Sharia shares. Patwari Halqa Moza Tarlai Kalan and revenue officer concerned should enter and attest the inheritance mutation of the above mentioned area in favor of all the legal heirs of Raja Muhammad Riaz, deceased. The land situated in Moza Jhang Sayedan measuring 24 kanal 18 marla has already

been transferred by Raja Muhammad Riaz through two mutation No. 1122 and mutation No. 6097 in his lifetime and hence he is not the owner of that property and therefore legal heirs including the Complainants are no more entitled to inherit the property of moza Jhang Sayedan in the given circumstances.

However, the Complainants, if dissatisfied with the transfer of land of their father through above mentioned mutations may challenge the validity of that transfer before the competent Civil Court. The son of the Complainant has produced a photocopy of certificate to show that House No. 1637, Sector I-8/1, Islamabad is also in the name of Raja Muhammad Riaz. If so, all the above mentioned legal heirs of the deceased Raja Muhammad Riaz are entitled to the said built up property according to their Sharia shares. It is expected that while transferring the ownership of the said house to the legal heirs of Raja Muhammad Riaz, CDA concerned branch will scrutinize the things and transfer the said house to the legal heirs according to their Sharia shares.

Consequent upon what has been discussed above, this complaint is disposed off in the above terms with direction to Revenue officer moza Tarlai Kalan to enter and attest the mutation of inheritance and to restore or confer possession of the property to the Complainants also to do the measures in order to perfect their title.

Disposed off accordingly.

FEDERAL OMBUDSMAN