

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

FORM OF ORDER SHEET
Complaint No. FOH-HQR/0000097/2022

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 Ombudsman TITLE: SHAHEENA PARVEEN VS MALIK MUHAMMAD AHSAN
1	2	3
	26-05-2022	<p>Complaint No. <u>FOH-ONL 00000562022</u></p> <p>One Muhammad Sulaiman died leaving behind Malik Muhammad Ahsan (son), Shehnaz Zafar, Shaheena Parveen, Mumtaz Parveen and Irshad Parveen (daughters) as a legal heirs.</p> <p>The deceased also left behind a double storeyed house measuring 5 marlas situated in sector G-7/2, Islamabad as well as 338 kanal agriculture land situated in moza Bajar tehsil and district Khushab, Punjab. Malik Muhammad Ahsan got retired from government service as a Director General, Ministry of Commerce Islamabad. He occupied and possessed the legacy of his deceased father depriving his all sisters of the ownership or possession of their ancestral property.</p> <p>In this background Ms. Shaheena Parveen, approached this forum seeking the shares of all the sisters out of the property left behind by their father Muhammad Sulaiman. She levelled several allegations against her brother respondent Malik Muhammad Ahsan in connection with usurping the ancestral property. It was</p>

pointed out by the complainant that she was occupying small room of the ancestral property but her brother Malik Muhammad Ahsan was embarrassing her sending legal notices for vacation of that portion and recovery of huge rent.

The complainant annexed family registration certificate (FRC) of NADRA. She also attached the legal notices sent to her by respondent Malik Muhammad Ahsan.

Respondent was sent notices for attending the proceedings at this forum. He appeared and submitted reply denying the allegations-claim of the complainant. As regard the house in question the respondent submitted that he constructed two beds, bath and kitchen on his house at Islamabad and got the complainant shifted to one of the portions on rent but the due rent was not paid by the complainant from 2005 to 2022.

The respondent subsequently disassociated with the proceedings at this forum and was placed ex-parte. The complainant recorded her ex-parte evidence. She also produced Shehnaz Zafar and Aliya Ali as witnesses. All the witnesses above mentioned were examined as PW-1, PW-2 & PW-3. They verified the authenticity of the affidavit ex PW-1/1, ex PW-2/1 & ex PW-3/1.

The record would show that the complainant is the real sister of respondent Malik Muhammad Ahsan. His other sisters are Shehnaz Zafar, Mumtaz Parveen and Irshad Parveen.

From the record particularly the reply furnished by the respondent it is nowhere established that the suit house did not belong to late Muhammad Sulaiman, the predecessor in interest of the parties. On the other hand respondent has also been unable to prove that the said house was either constructed by him or the upper portion of

the same was exclusively built by him out of his own pocket. The story invented by the respondent in his reply seems highly incredible rather cock and bull story. After submission of a vague reply by the respondent he did not come forward to produce any evidence in support of his stance that he built the upper portion himself and then rented it out to the complainant. No rent deed whatsoever or any other agreement deed was produced by the respondent to lend support to his narration in the defense reply. Having been convinced of the respondent to have misused his authority for exploitation of his sisters his so called stance that he built the upper portion is discarded. It is strange that the respondent kept on sending notices of eviction and recovery of rent to his younger sister living in a small room of the ancestral house whereas a big portion of the house was rented out by him for fetching handsome amount of rent himself.

In view of the above facts I am of the considered view that not only the complainant but her three other sisters too are deprived of their ownership and possession of the house situated in sector G-7/2, Islamabad. In these circumstance, I would like to invoke section 5 of the Enforcement of Women's Property Rights Act 2020 and shall direct the Deputy Commissioner Islamabad to restore or confer the title of the property to the complainant, her sisters and respondent Malik Muhammad Ahsan as per their "shari" shares in the same.

In case the subject house is not partiable, a commission should be appointed to determine its market value and then to put it for sale in open auction, the price so fetched, to be distributed among the legal heirs according to their shari shares. The compliance report in this respect be furnished by DC on or before **08-06-2022**.

		<p>Regarding claim of the complainant for 338 kanal agriculture land, since the same lies outside the limits of ICT, it falls outside the territorial jurisdiction of this forum and cannot be entertained. Any interested party may seek the remedy from the competent forum, if so advised.</p>
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FEDERAL OMBUDSMAN