

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN

AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000348/2022

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 Ombudsperson SHIREEN MAHMOOD VS RAJA SHAHID YAQOOB
1	2	3
33	08-09-2023	<p>Complaint No. <u>FOH-HQR/0000348/2022</u></p> <p>Complainant Shireen Mehmood and her husband Mehmood Ahmed purchased 10 marlas each vide registered sale deed No. 4060 and 4061 dated 29-02-2016. Shireen Mehmood purchased land from khwheat No. 192 and 751, khasra No. 2015, 1720, 1721, 1733 and 1734 of Mozah Phulgran, tehsil & district Islamabad. Her husband Mehmood Ahmed purchased land from khewat No. 179, khasra No. 2017, 2018, 2019 and 1534. He also purchased some land from khewat No. 185, khasra No. 2021, 189, 191 and 2061.</p> <p>Similarly, Respondent Shahid Yaqoob purchased 17 marlas land out of khewat No. 772, khasra No. 2040, 2043 and 2044.</p> <p>The above transactions were incorporated in three mutation numbers 39826 and 39827 on 09-06-2022 and 37756 attested on 09-09-2021. Since all the mutations were made from joint khata, the vendees entered into a chain of litigation in Civil Courts. They blamed each other for trespassing and illegally occupying one</p>

another's property. The dispute is still, stated, to be pending at the Civil Courts. Admittedly, the matter also reached to the Honorable Islamabad High Court, Islamabad in a Civil Revision No. 110-D/2010, where mistake in the revenue record was detected in khasra No. 2015 and 2016 to the extent of 9 kanals 10 marlas out of share of Manzoor Ahmed incorrectly transferred in favor of Nazir Khan and his legal heirs. In view of the verdict of the High Court, the revenue authority made correction in the record vide mutation No. 18010 attested on 23-08-2013. On the one hand, correction of the revenue record was made vide the above mutation, whereas, on the other hand, land was sold to the Complainant and her husband from the same khasra numbers in the year 2016.

At present the dispute between the Complainants and Respondent Raja Shahid Yaqoob pertains to the possession of land purchased by them. According to the Complainants, the land purchased by them has been illegally occupied by Respondent Raja Shahid Yaqoob, whereas, according to the Respondent he is possessing the piece of land which is comprised in khasra No. 2040, 2043 and 2044 purchased by him by way of a valid sale. It has already been observed in the order of this forum dated 21-02-2023 that the dispute and controversy between the parties is not that simple because the subject matter has either been adjudicated upon by the competent forums or is still subjudice in Civil Courts.

At this stage, it is not appropriate to express opinion or to give any comment in this matter because it may prejudice the cause of either side, but on assessment of the available record, I come to the conclusion that this matter requires indepth inquiry, investigation or detail recording of evidence or intricate adjudication by Civil Courts where it has earlier been adjudicated upon or still pending.

In my opinion, this case needs to be disposed off by a Civil Court in the light of adjudication already made there or the case pending there. It is essential to avoid the conflict of judgments of the two forums. To be on the safer side and to avoid the conflict of verdicts, I deem it appropriate to invoke the Provision of Section 6 of the Enforcement of Women's Property Rights Act, 2020 to formulate the reference along with all the material collected on the file to submit it same to the concerned Civil Court for further proceedings according to law in terms of the Code of Civil Procedure 1908 and the relevant rules.

Accordingly, this office is directed to formulate the reference and to send the case file to the court of Senior Civil Judge, Islamabad for further necessary action.

Parties may pursue the case in the Civil Court, if so advised.

FEDERAL OMBUDSPERSON