

# OFFICE OF THE FEDERAL OMBUDSPERSON

## FOR PROTECTION AGAINST HARASSMENT OF WOMEN

### AT THE WORKPLACE, ISLAMABAD

#### FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000370/2022

Serial No. of Order of Proceedings	Date of order of Proceedings	<b>THE ENFORCEMENT OF THE WOMEN'S PROPERTY RIGHTS ACT, 2020</b> Order of other proceedings with Signature of Federal Ombudsperson <b>ASMA KOKAB VS AZIZ KHAN</b>
1	2	3 <b>Two plots situated in University Town, Islamabad</b>
	12-05-2023	<p>Complaint No. <u>FOH-HQR/0000370/2022</u></p> <p>Arguments already heard and record perused.</p> <p>It is established on the record by authentic record particularly the registered sale deeds Ex PW 1/21 and Ex PW 1/22 that area/plots measuring 10 marla and 5 marla respectively were sold by Abdul Aziz Khan (<b>hereinafter called the Respondent</b>) in favor of Ms. Asma Kokab (<b>hereinafter called the Complainant</b>) on payment of sale consideration of Rs. 15000/- and Rs. 8000/- respectively.</p> <p>The above sale was registered validly at the office of concerned sub registrar. It may be added here that presumption of correctness is attached to a registered sale deed unless it is rebutted by cogent evidence. So, at present the existence of registered sale deeds in favor of the Complainant is a proof of her claim that she is owner of the two plots mentioned in the registered deeds Ex PW 1/21 and Ex PW 1/22 and for that matter she is entitled to approach this forum in terms of the</p>

provision of the Enforcement of Women's Property Rights Act, 2020. She has, therefore, genuinely filed her complaint at this forum for possession of her plots which are allegedly illegally occupied and possessed by Respondent Abdul Aziz, the proprietor of former Khyber Housing Society of AIOU employees Islamabad now named as University Town (Pvt.) Ltd.

It is also established on the record that the Complainant had deposited the due installments of the plots with the society concerned. Lot of correspondence has been made with the society by the different concerned quarters but no positive result has been achieved so far. The consistent demand has been made by the society from the Complainant that she should surrender her registered deeds to the society first and thereafter her case for possession of her plots would be processed. This logic and demand of the society is not understandable because there seems no reason and logic to ask the Complainant to surrender the registered deeds to the Society. In case some other place is to be handed over to the Complainant and the Complainant accepts that place in lieu of the plots registered in her name that could be done with the consent and approval of the parties. In that eventuality both the parties may enter into an agreement on the basis of which the old demand of the Complainant on the basis of registered sale deeds may be settled. I think the apprehension of the Complainant regarding surrender of registered sale deeds to the Respondent before getting something in return is genuine. Having purchased the land through registered sale deeds above mentioned the Complainant is entitled to get the possession of the purchased land. There is no need to go and discuss further details of the matter because things are very much clear in view of the registered sale deeds in favor of the Complainant. The said sale deeds have already been acted upon and entered in the name of the Complainant in the revenue record i.e. fard jamabandi Ex PW

1/16. Report of Patwari dated 13-02-2023 placed on the file is quite clear in this respect to show that mutation No. 1909 and 2317 have been entered and attested in the name of Complainant on the strength of the registered sale deeds No. 927 dated 18-02-1997 and No. 10045 dated 26-12-1997.

In the light of the above, I am of the opinion that this matter does not require further detailed probe and investigation because sufficient record and evidence has been placed on the file. Hence in the above discussed scenario I find that the Complainant has been illegally deprived of ownership or possession of her property. I, therefore, while invoking the provision of Section 5 of the Enforcement of Women's Property Rights Act 2020, direct the revenue officer concerned to restore possession of the subject property to the Complainant. The revenue officer may seek assistance of the officer incharge of the concerned police station, if required, for the purpose of implementing the orders of this forum.

After doing the needful the revenue officer should submit the compliance report on **22-05-2023** in respect of the implementation of this order.

**FEDERAL OMBUDSPERSON**