

OFFICE OF THE OMBUDSMAN

Islamabad

FORM OF ORDER SHEET

Complaint No. FOH-HQR/0000148/2021

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: AYESHA HAMEED VS ABDUL RAZZAQ ABBASI
1	2	3
	02-12-2021	<p>Complaint No. <u>FOH-HQR/0000148/2021</u></p> <p>Complainant Ms. Ayesha Hameed and accused Abdul Razzaq Abbasi got married on 08-08-2016. They jointly purchased double storey house No. 22 (old No. 35) measuring 5 marlas situated in revenue estate of Chatta Bakhtawar, Tehsil & District Islamabad vide registered sale deed dated 16-12-2016. Subsequently on the basis of registered sale deed, mutation No. 6041 was attested on 05-05-2017.</p> <p>Both the spouses were living together when meanwhile the accused went abroad because he had a second wife at Musqat. Afterwards the Complainant and the accused quarreled with each other in 2017 and as a result the Complainant was ousted from the house by the accused. However the lower portion of the house was occupied by the Complainant while the upper portion was rented out by the accused to someone else. Due to strained relations between the spouses the Complainant got khulla divorce on 27-09-2018. She, thereafter, went to her native town Khanewal for few days. In her</p>

		<p>absence the accused illegally and unlawfully also possessed the ground portion of the house where the Complainant used to reside as a co-owner.</p> <p>Now Complainant resides at Islamabad to eke her livelihood running the business of Micropyle Hair Transplant & Dermatology clinic but has no living place at the station. Since the accused has unlawfully and illegally deprived the Complainant of her possession of the house (50% share), She seeks restoration of the possession of the ground portion of the abode requiring the accused to peacefully hand over possession of the same to her without further delay.</p> <p>This complaint was entertained at this forum and as per relevant provision of the Act the matter was referred to the Deputy Commissioner Islamabad for conducting inquiry and submitting report. The report on behalf of Deputy Commissioner Islamabad got inordinately delayed but ultimately it was sent to this office, received here on 08-11-2021.</p> <p>I have gone through the inquiry report putting it in jexta position with the complaint in hand.</p> <p>The contents of the complaint and the report furnished by Deputy Commissioner Islamabad are almost identical on all the material points supporting the fact that the Complainant is owner of one half share out of the suit house and has been illegally dispossess by the accused. It further reveals that accused has been fled away to outside country. It is specifically mentioned in the inquiry report that there is no chance of appearance of the accused in the court in near future. The report also provides that the Complainant has been deprived off her 50% share of the suit house.</p>
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The above mentioned facts obliges me to invoke the section 4 & 5 of the Enforcement of Women's Property Rights Act 2020 because it stands established on the record that Complainant has been deprived off the ownership or possession of her property by the accused unlawfully and illegally occupying the same and as such in this view of the matter I shall appoint Ms. Ambreen Nawaz, advocate as a local commission to take necessary steps so as to restore or confer possession or title of 50% share (lower portion) of the house to the Complainant with compliance report to this office within seven days. Local police i.e. SHO of concerned police station is directed to be present on the spot along with police party for aid to the commissioner to avert any untoward incident by any miscreant. Local commission would be also empowered to break open the locks of the house if it is locked particularly to break open the locks of the lower portion of the house which is to be handed over to the Complainant on the spot after taking proper receipt of delivery of possession or handing/taking over. Contact number of the local commission Ms. Ambreen Nawaz, advocate is 0333-3000064.

As an abundant caution if the lower portion has got some household articles of any other person, the said articles be taken through inventory to be prepared by the commissioner and be given in the safe custody of any responsible person of that place. Fee of local commissioner is fixed as Rs. 50,000/- which is to be paid by Complainant and tenant of the upper storey in equal share. In case that tenant is not available the amount of his share will be adjusted by rent deducted from the due rent of the accused co-owner of one half of the house.

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