

OFFICE OF THE FEDERAL OMBUDSPERSON

FOR PROTECTION AGAINST HARASSMENT OF WOMEN

AT THE WORKPLACE, ISLAMABAD

FORM OF ORDER SHEET

Complaint No. FOH-HQR-EWPRA/0175/2024

Date of Institution: 14-06-2024

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 Ms. Faryal Abdul Wahid Versus Raja Qamar Uz Zaman & Others Property Description: Commercial Property, Shop No.2, Ground Floor, Block No.6, Civic Centre, Melody Market, Sector G-6/4, Islamabad
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17	24-01-2025	<p>Subject: Final Order u/s 5 of the Enforcement of Women's Property Rights Act, 2020</p> <p>1. Ms. Faryal Abdul Wahid (hereinafter referred to as "the Complainant") has filed this complaint under Section 7 of the Enforcement of Women's Property Rights Act, 2022, (the Act) against Mr. Raja Qamar-uz-Zaman Bhatti (hereinafter referred to as "Respondent No.1") and Mr. Raja Aamir Zaman (hereinafter referred to as "Respondent No.2") for unlawfully retaining possession of a commercial property i.e. Shop No.2, Ground Floor, Block No.6, Civic Centre, Melody Market, Sector G-6/4, Islamabad (hereinafter referred to as "the Suit Shop"). The Suit Shop was originally rented to their deceased father by the deceased father of the Complainant at a significantly low rent.</p>

		<p>2. The Complainant's deceased father, Dr. Abdul Waheed and her mother jointly purchased Commercial Plot No. 6, Main Civic Centre, G-6/4 Markaz, Islamabad, vide a Sale Deed dated 15-05-1986, which was duly registered as a lease property with the Capital Development Authority (CDA).</p> <p>3. The Complainant's parents gifted their respective shares to her vide Gift Deed dated 16-01-2018, duly registered with the Joint Sub-Registrar, Islamabad, vide Book no. 1, Volume No. 4789, Registered at No. 518. Consequently, the Complainant is the sole owner of the suit shop.</p> <p>4. The father of the Complainant and the Respondents (both deceased) maintained a strict landlord-tenant relationship. However, no formal tenancy agreement was executed between them.</p> <p>5. The Complainant filed a civil suit titled "<i>Faryal Abdul Wahid vs Raja Qamar-uz-Zaman & Others</i>" seeking Declaration, Possession, Recovery of Rent Amount, Profits and Permanent Injunction, which is currently pending adjudication. Consequently, the Complainant has also filed this complaint under section 7 (1) of the Enforcement of Women's Property Rights Act, 2020, the relevant provision of which is reproduced below:</p> <p style="text-align: center;"><i>"Complaint to the Ombudsman in case proceedings in a court of law are pending. - (1) Where proceedings in a court of law are pending in relation to the ownership or possession of any property claimed to be owned by a woman, she may</i></p>
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file a complaint under this sub-section to the Ombudsman.”

6. On the other hand, Respondent Nos. 1 and 2, in their written reply, have claimed that their father purchased the suit property through an oral agreement to sell in 1982. However, they have failed to provide any evidence to substantiate their claim, such as receipt of payment, proof of consideration, or any other supporting document. The only documents they rely upon are an electricity bill and a tax notice, which do not constitute valid title documents.
7. As the Complainant holds a registered gift deed in her favor and it is undisputed that the suit shop was jointly owned by her parents prior to being gifted to her, she stands as the sole and lawful owner of the property.
8. The report from the Capital Development Authority (CDA) regarding the suit shop has been received. According to the report, the property was initially leased to Colonel Saeed Tariq. Subsequently, it was transferred to Mrs. Parveen Tariq on 01-10-1979.
9. According to the case records, Mrs. Parveen Tariq sold the leasehold rights to Dr. Abdul Wahid and Dr. Haseena Parveen, the parents of the Complainant. They later gifted the property to Ms. Faryal Abdul Wahid.
10. The certified copies of the Civil Court's order in the suit for declaration and cancellation of the gift confirm that the leasehold rights were owned by the parents of the present Complainant. The Respondent has no valid title to the suit property, nor any right to retain possession of the same, especially when the Complainant has objected to the Respondent's possession.

		<p>11. Since the Complainant has received the leasehold rights to the property through a gift, she is entitled to its possession. Therefore, the Respondents under Section 5 of the Act are directed to vacate the property within one month from the date of this order and hand over vacant possession to the Complainant. Failure to comply will result in coercive measures being taken for the Respondent's eviction from the suit property.</p> <p>12. To come up for compliance on 14-02-2025.</p> <p style="text-align: right;">FEDERAL OMBUDSPERSON</p>
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