

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

FORM OF ORDER SHEET  
Complaint No. FOH-HQR/0000178/2020

**Date of Institution: 05-10-2020**

Serial No. of Order of Proceedings	Date of order of Proceedings	<b>THE ENFORCEMENT OF WOMEN'S PROPERTY RIGHTS ACT, 2020</b> Order of other proceedings with Signature of Federal Ombudsperson <b>Mehroona Qasim VS Nasir Zia Subhani &amp; others</b>
1	2	3
43	02-11-2023	<p><b><u>Subject:</u> Order on Application for Recovery of Rent</b></p> <p>1. The facts giving rise to this complaint are that Mehroona Qasim (“<b>Complainant</b>”) is the widow of Qasim Zia and mother to their three children. The Complainant’s husband passed away in the year 2008. Nasir Zia Subhani and Shahzad Zia (“<b>Respondents</b>”) are the real brothers of the Complainant’s deceased husband. The property in issue is House No.63, Gomal Road, Sector E-7, Islamabad (“<b>suit property</b>”) which was jointly owned by the Complainant’s deceased husband and the Respondents. However, after the death of the Complainant’s husband and following the Complainant’s application dated 20.02.2015 the Capital Development Authority vide letter No.CDA/EM-E-7/63/75/17654 dated 21.09.2015 transferred the share of the husband to the Complainant and her three children. Nevertheless, despite this the Complainant alleged that she and her children have been deprived of their legal rights for more than a decade. As a result, on 05.10.2020 the Complainant filed the instant complaint under the Enforcement of Women’s Property Rights Act, 2020 (“<b>Act</b>”) before this forum with two prayers, namely, that her rightful title and possession in the suit property be restored to her and that the rental income derived from the suit property for the last 12 years as per the market value be paid to her.</p> <p>2. The proceedings in the case progressed and by order dated 24.06.2021 this forum held that the Complainant as well as the other legal heirs are entitled to their respective shares in the suit property. Resultantly, my predecessor directed the Deputy Commissioner Islamabad to take steps to restore/confer possession/title of the suit property on the Complainant,</p>

including measures to perfect such title. The Respondents representation against this order was declined by the President on 31.03.2022. In the meanwhile, the Complainant was handed over possession of her share in the suit property on 06.07.2021.

3. After securing the possession of her share, the Complainant filed an application before this forum on 05.08.2021 for recovery of rent at the prevalent market rate for the time period September 2008 to 06.07.2021. She relied on Section 8 of the Act which empowers the Ombudsperson to direct the respondent to pay the complainant '*the amount equivalent to the rent that the property may fetch at the prevalent market rate, for the duration for which the complainant was deprived of the use of such property.*' This application of the Complainant could not be adjudicated timely because the Respondents twice challenged the maintainability of her complaint and went in representation against the order of this forum dated 18.07.2022 which for the second time dismissed the Respondents application for rejection of complaint.

4. Be that as it may, from a perusal of the record it transpires that the Complainant has alleged that the suit property roughly attracts Rs.1 million/per month in rental income. Her share (one-third of the suit property) therefore comes to approximately Rs.50 million/- for the last 12 years. On the other hand, Respondent No. 2 has denied this claim of the Complainant on two grounds: firstly, that the suit property was never rented out and secondly, that the value of rent estimated by the Complainant greatly exceeds the market rate. Since a factual dispute has arisen between the parties both the Complainant and Respondent No. 2 are directed to submit their evidence on this issue at the next date of hearing to decide the question of recovery of rent.

**Conclusion**

5. To come up for the above purpose on **14.11.2023**.

**FEDERAL OMBUDSPERSON**