

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

FORM OF ORDER SHEET  
Complaint No. FOH-HQR/0000211/2021

**Date of Institution: 04-10-2021**

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>SHAH BANO NAQVI VS SYED MUHAMMAD SARDAR ALI</b>
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19	08-09-2023	<p>Complaint No. <u>FOH-HQR/0000211/2021</u></p> <p>Arguments already heard and record perused.</p> <p>Complainant Shah Bano Naqvi filed the instant complaint against her husband Syed Muhammad Sardar Ali, alleging that 4 vehicles (detail given in her complaint), are illegally possessed by Respondent and as such their possession be restored to her.</p> <p>The complaint was contested by the Respondent on several grounds. The case was decided by this forum vide order dated 07-01-2022 wherein it was held that Complainant had been illegally deprived of her 4 vehicles (moveable property) and as such Deputy Commissioner, Islamabad and Excise and Taxation officer Islamabad should take steps so as to confer possession of the vehicles to the Complainant. This order was assailed by the Respondent in a representation before the Honorable President of Pakistan. While disposing off the said representation the Honorable</p>

President of Pakistan was pleased to remit the matter to this forum directing to decide the objection of jurisdiction before passing final order.

In this background the case was reargued and reheard.

It is evident from the record placed on the file that 3 vehicles i.e. Toyota Corolla 2.0D Salon (Black), 2007 Model, bearing Registration No. LK-478, Islamabad, Toyota Corolla Altis (Silver), 2012 Model, bearing Registration No. VG-304, Islamabad. Registration Certificate of Toyota Prius (Silver), 2007 Model, bearing Registration No. LEE-12-3643, Lahore are entered and registered in the name of Complainant Shah Bano Naqvi. However, Suzuki Alto (Silver), 2002 Model, bearing Registration No. LRF-2375, Lahore is registered in the name of Hashim Raza S/o Syed Fazilat Hussain. It is further clear from the record that vehicle bearing Registration No. LK-478 and Registration No. VG-304 are registered in the name of Complainant in Excise office ICT, while Vehicle bearing Registration No. LEE-12-3643 is registered at Lahore.

None has raised any objection with regard to the above mentioned registration. The above fact would, therefore, resolve the query of location of the vehicles owned by the Complainant. Two vehicles are registered at Islamabad while one at Lahore. It has already been held by this forum that property in Section 2 of the Enforcement of Women's Property Rights Act, 2020 includes any immovable and moveable property. So on this standard the subject vehicles fall within the definition of moveable property/property giving mandate to this forum to entertain the present complaint in terms of Section 4 of the Act 2020.

Regarding the application of the Respondent under Section 6 of the Act 2020 for referring the subject matter to the Civil Court, it seems

expedient to reproduce the said provision of law below for convenience:

**6. Reference to Court** (1) *Notwithstanding anything contained in section 4 & 5, if upon preliminary assessment, or upon receiving the report of the Deputy Commissioner or upon conducting further summary enquiry by the Ombudsman himself, he comes to the conclusion that the matter requires in-depth enquiry, investigation or detailed recording of evidence or intricate adjudication, he shall formulate a reference along with all the reports and material collected and submit the same to the concerned Civil Court preferable within sixty days of receipt of the complaint under sub-section (1) of section 4.*

(2) *Notwithstanding anything contained in any other law, the Civil Court shall entertain the reference under sub-section (1), as a civil suit and proceed further in terms of the Code of Civil Procedure, 1908 (Act V of 1908) and the relevant rules.*

The above provision of the Act has left the matter to discretion of the Ombudsperson to refer the matter to the court or not. The Ombudsperson may refer the matter to the Civil Court if feels that in-depth inquiry, investigation or detail recording of evidence or intricate adjudication is required but if he thinks the matter does not require any detailed probe, investigation or recording of evidence the Ombudsperson may pass order under Section 5 of the Act. In view of the clear record available on the file this forum does not deem it essential to refer the case to the Civil Court, whereas on the other hand, the matter may be conveniently disposed off in light of the existing record.

In this view of the matter, application of the Respondent for referring the matter to the Civil Court in terms of Section 6 of the Act is unwarranted and uncalled for only to prolong the case indefinitely to enhance the agony of a woman.

To follow the observations of the Honorable President of Pakistan in letter and spirit, I would like to pass an order with regard to two vehicles only which are registered at Islamabad Capital Territory. For the vehicle registered at Lahore in the name of Complainant she may file a complaint at provincial level, if so advised.

In the present scenario, I pass an order under Section 5 of the Act directing the Deputy Commissioner, Islamabad and ETO Islamabad to take steps so as to restore or confer possession of the two vehicles Registration No. LK-478 and Registration No. VG-304, Islamabad to the Complainant and to submit compliance report within seven days to this Secretariat in respect of the implementation of this order.

Adjourned to **15-09-2023** for compliance report.

**FEDERAL OMBUDSPERSON**