

OFFICE OF THE OMBUDSPERSON (MOHTASIB) PUNJAB

197- Abubakar Block, Garden Town, Lahore.

ORDER SHEET

Complaint No. WOP/18- 1500/ 2022

Titled

Ayesha Bibi, etc Vs. Shams ul Haq

06.09.2022

Present: Learned Counsel for the Parties.

The complainants Ayesha Bibi etc. have filed the instant complaint with the contention that they are residents of Thatha Tahir, Mouza Shareen, Tehsil & District Okara; their father namely Nazar Muhammad was exclusive owner of the property measuring 177-Kanal, who was died in the year 1992; real brother of the complainants namely Shams-ul-Haq got attested mutation of inheritance of their father by showing himself sole legal heir of above said Nazar Muhammad (alleged predecessor in interest of the complainants) and deprived the complainants Ayesha Bibi and Sakina Bibi etc while attestation of mutation of inheritance. The above said mutation of inheritance is result of fraud, forgery and liable to be cancelled on the ground that the complainants are also legal heirs of Nazar Muhammad; whereas, their real brother namely Shams-ul-Haq has committed fraud with them. The complainants finally prayed for acceptance of present complaint.

2- The proposed accused filed written reply to the complaint, contested the same on factual grounds and prayed for dismissal of the same.

3- Arguments heard, record perused.


4- It is evident from perusal of record that the complainants Ayesha Bibi etc claim to be owner of the disputed property on the basis of their right of inheritance and they approached the concerned Revenue Officer/Assistant Commissioner, Tehsil and District Okara for redressal of

their grievance by filing an application on 15.12.2020 which was dismissed by the above mentioned Revenue Officer.

5- Secondly, the complainants Ayesha Bibi etc. filed an application u/s 22-A/B Cr.P.C before the learned Ex-Officio Justice of Peace, Okara which was also dismissed by the learned Ex-Officio Justice of Peace, Okara on merits vide its order dated 20.02.2020. Thereafter, the complainants Ayesha Bibi etc filed writ petition before the Honourable Lahore High Court, Lahore which was also dismissed by the said Court vide its order dated 14.10.2020.

6- Thirdly, the complainants filed a complaint before the Anti-Corruption Establishment Sahiwal Division, Sahiwal which was also recommended to filed before the competent forum vide its order dated 10.10.2019.

7- Fourthly, the main forum which was competent to decide actual matter of controversy was the learned Civil Court who has ultimate jurisdiction to decide such like cases; wherein, evidence can be recorded. The complainants filed suit in the Civil Court, Okara which was dismissed as withdrawn vide its order dated 19.10.2020. In these circumstances, the complainants have availed all their legal remedies for redressal of their grievance but they could not produce before any court/forum of competent jurisdiction, any proof or material which could substantiate that they are legal heirs of Nazar Muhammad. Furthermore, the complainants did not appear before this forum in person and they have presented their case through their counsel. Hence, the complainants have no case against proposed accused namely Shams-ul-Haq; therefore, the instant complaint is hereby dismissed.


OMBUDSPERSON PUNJAB
