



OFFICE OF THE OMBUDSPERSON (MOHTASIB) PUNJAB
174-Shadman-II, Lahore

BEFORE THE OMBUDSPERSON, PUNJAB

Complaint No. WOP/18-608/2021 | 1575

TITLED

SAIMA AFTAB

Vs.

MUHAMMAD IDREES

ORDER

The instant petition was lodged by Saima Aftab w/o Sheikh Muhammad Aftab r/o House No. 519/B-VII, Jail Road, Sahiwal under the Punjab Enforcement of Women's Property Rights Act, 2021 against Muhammad Idrees S/o Waseem Hassan, Caste Sheikh, Jail Road Sahiwal.

Brief facts of the case are that the petitioner Ms. Saima Aftab purchased a property measuring 3M-5S falling under Khewat No. 595, Khatooni No. 617 Khasra No.4507 from the joint Khata comprising of 1K-16M situated at Jail Road,



OFFICE OF THE OMBUDSPERSON (MOHTASIB) PUNJAB
174-Shadman-II, Lahore

Sahiwal, in consideration of 17,80,000 Rs. from Ms. Fozia Parveen Javed, w/o Javed Ashraf d/o Muzaffar Hussain R/o Old Civil Line, House No. 49/B-VI, Near Girls College Sahiwal on which a show-room is being run by the respondent Muhammad Idrees. According to complainant, the respondent Muhammad Idrees has taken the suit property on rent with oral agreement to pay 40000/- per month rent in consideration of the use of property out of which since 30.05.2013 the respondent is earning handsome amount of mense profit from her property having illegal possession by giving the show-room on rent but despite repeated requests of the petitioner is neither ready to vacate the property nor paying any rent since 2013.

On receipt of complainant, notice was issued to the respondent Muhammad Idrees who is reply admittedly stating therein that the complainant had purchased the property in question vide sale agreement No. 2192/1 which was registered on 30.05.2013, the abuttal of property mentioned in



OFFICE OF THE OMBUDSPERSON (MOHTASIB) PUNJAB

174-Shadman-II, Lahore

registered deed are correct. However, he conversely stated that the complainant has no nexus with his property and she just aimed to take advantage of joint Khewat about which a suit for partition is pending adjudication in the Civil Court.

To ascertain the true facts of the complaint, vide order dated 28.12.2021 a Local Commission comprising of Mr. Abdul Rasheed, Consultant, Mr. Muhammad Abbas, Legal Assistant/ Incharge, Harassment Branch and Hafiz Farooq Anwar, Incharge Property Branch was appointed who submitted its report dated 13.01.2022 which reveals that the respondent's mother including his sisters and other witnesses have verified the complainant's version that the complainant is owner of property in question while the respondent having illegal possession over property and earning handsome amount of mense profit by running a show-room over it. It was further mentioned in report that the abuttal of property mentioned in the registered sale deed of the property purchased by the



complainant and the property over which a show-room is being run by the respondent are the same hence, commission submitted its report concluding that the complainant is bona fide buyer and owner of the property in question whereas the respondent Muhammad Idrees is illegally occupied the said property.

It is pertinent to mention here that another complaint is pending adjudication in this office against Muhammad Idrees which was lodged by his sisters wherein they claimed that the respondent has also usurp their right of inheritance by preparing a fake gift deed which shall be decided vide separate order on its own merits.

Parties heard.

Record perused.

After considering at length the case file, version of the parties and evidence available on record, it stands established that the complainant is bona fide owner of the property in question and the



OFFICE OF THE OMBUDSPERSON (MOHTASIB) PUNJAB

174-Shadman-II, Lahore

respondents have illegally occupied this with a false promise to pay 40,000/- Rs per month but never paid anything to complainant, however, he himself by giving the show-room constructed over the property on rent is earning handsome mense profit which is highly objectionable on his part and actionable under section 498-A of PPC.

In view of the above, the Deputy Commissioner, Sahiwal is directed to ensure delivery of possession of ^{Property} in question to the complainant Ms. Saima Aftab alongwith payment of rent with 10 percent annual increase as per market rate from 30.05.2013 to till delivery of possession. The Concerned SHO shall assist the Deputy Commissioner during course of possession to the complainant. Compliance report should reach this office **within 7 days** of receipt of this order as provided under section 5 (1) & (3) of the Punjab Enforcement of Women's Property Rights Act, 2021. If so required, the SHO concerned shall proceed against the respondent under relevant section of PPC



OFFICE OF THE OMBUDSPERSON (MOHTASIB) PUNJAB
174-Shadman-II, Lahore

on account of his illegal possession over
complainant's property.

(MS. NABILA KHAN)
OMBUDSPERSON PUNJAB

Announced: 22.03.2022

It is certified that this decision consists
of 06 pages, each of which has been dictated, read
over, corrected and signed by me.

(MS. NABILA KHAN)
OMBUDSPERSON PUNJAB

Copies are forwarded to:-

1. Saima Aftab w/o Sheikh Muhammad Aftab r/o
House No. 519/B-VII, Jail Road, Sahiwal;
2. Muhammad Idrees, r/o House No. 519/B-VII,
Jail Road, Sahiwal
3. The Deputy Commissioner, Sahiwal.

(MS. NABILA KHAN)
OMBUDSPERSON PUNJAB

7-4-2022