

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Writ Petition no. 116 of 2023

Aziz Sarfraz Khan
versus
President of Pakistan and others

| S. No. of order/ proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|------------------------------|----------------------------|-------------------------------------------------------------------------------|
| 1 | 16.01.2023 | Sardar Najeeb ur Rehman, Advocate for the petitioner |

The petitioner is one of the 9 siblings of the late Sarfraz Ahmad Khan, whose estate includes house no.5-A, sector 4-A, Khayaban-e-Sir Syed, Rawalpindi, that has fallen into an inheritance dispute. Jurisdiction over the said dispute was assumed by the Federal Ombudsperson for Protection against Harassment (FOSPAH), which led to a consent/joint statement signed by 8 siblings, excluding the petitioner, agreeing to the inheritance property being evaluated and sold at the market price and the proceeds distributed among the legal heirs. The petitioner is aggrieved of the evaluation and likely sale of said property for the reasons that:

- i. the said property does not fall within the territorial jurisdiction of FOSPAH;
- ii. he was never a party to the proceedings before FOSPAH and never signed the consent; and
- iii. that some of the siblings have already disposed of their shares in the said property and, therefore, the matter pertains more appropriately to resolution by evidence at a trial.

2 Admit. Issue notice to the respondents for **02.03.2023** to file their reply and para wise comments within 2 weeks from today.

3 The parties are directed to file their statements of costs of litigation before the next date of hearing.

CM no.1/ 2023

In view of the *prima facie* accuracy of the submission that FOSPAH had no territorial jurisdiction over the disputed property, its impugned act of appointing a local commission vide order dated 21.01.2023 does appear to be *coram non judice*.

2 Notice. Pending the next date of hearing, the appointment of the local commission is suspended and no action shall be taken on its report.

CM no.2/ 2023

Exemption sought for is allowed subject to all just and legal exceptions

(Sardar Ejaz Ishaq Khan)
Judge