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**THE PUNJAB MUSLIM PERSONAL LAW (SHARIAT)
APPLICATION (REMOVAL OF DIFFICULTIES) ACT, 1975
(XXV of 1975)**

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TEXT

**'THE PUNJAB MUSLIM PERSONAL LAW (SHARIAT) APPLICATION
(REMOVAL OF DIFFICULTIES) ACT, 1975**

(XXV of 1975)

[31st March, 1975]

**An
Act**

to provide for the removal of difficulties of the lawful heirs of last male holders in respect of the limited estates held by refugee females and to protect their rights with respect to the said property.

Preamble.— WHEREAS refugee females who were limited owners under custom were allotted evacuee property in the Punjab and such allottees were erroneously treated as full owners of the property allotted to them;

AND WHEREAS the Supreme Court of Pakistan has held that allottees are limited owners under custom;

AND WHEREAS it is expedient to extend the benefit of the said decision of the Supreme Court of Pakistan to the persons aggrieved by the said erroneous view;

It is hereby enacted as follows:—

1. Short title, commencement and extent.— (1) This Act may be called the Punjab Muslim Personal Law (Shariat) Application (Removal of Difficulties) Act, 1975.

(2) It shall come into force at once but shall be deemed to have taken effect on and from the 15th day of March, 1948.

(3) It extends to the whole of the Punjab.

2. Removal of difficulties.— Notwithstanding anything to the contrary contained in any other law for the time being in force, all decrees, judgments or orders passed in any suit, appeal or other proceedings by any court or other authority treating a refugee female allottee as full owner of the property allotted to her in lieu of the property abandoned by her in India or to which she was otherwise entitled, as a limited owner, shall be of no legal effect and such suit, appeal or other proceedings shall, on an application made by an affected person within one year of the commencement of this Act, be decided afresh.

3. Permission to file fresh suits, etc.— Any person aggrieved by an alienation or an order of succession with regard to any property allotted to a refugee female in lieu of the property abandoned by her in India or to which she was otherwise entitled as a limited owner under custom and who could not challenge such alienation or succession, may call it in question in a court or before any other authority within one year of the commencement of this Act.

¹This Act was passed by the Punjab Assembly on 18th February, 1975; assented to by the Governor of the Punjab on 31st March, 1975; and published in the Punjab Gazette (Extraordinary), dated 31st March, 1975, pages 237-M to 237-N.

4. Bar to claim adverse possession.– Any person who claims to have acquired any right or interest in property whether by alienation, succession or otherwise, originally allotted to a refugee female limited owner, shall have no right to plead adverse possession against any lawful heir of the last male holder.

5. Repeal of Punjab Ordinance No. V of 1975.– The Punjab Muslim Personal Law (Shariat) Application (Removal of Difficulties) Ordinance, 1975 (Punjab Ordinance No. V of 1975), is hereby repealed.