

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Specific Relief Act, 1877.

WHEREAS, it is expedient further to amend the Specific Relief Act, 1877(Act I of 1877) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short Title and Commencement.**- (1) This Act may be called the Specific Relief (Amendment) Bill, 2022.

(2) It shall come into force at once.

2. **Amendment of section 42, Act I of 1877.**- In the Specific Relief Act, 1877, for Section 42, the following shall be substituted, namely:-

“42. Discretion of court as to declaration of status or right.- (1) Any person entitled to any character, or any right to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled and the plaintiff need not in such suit ask for any further relief;

Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.

(2) Notwithstanding anything contained in any other law for the time being enforced, a suit filed under sub-section (1), shall be decided by the court within six months and the appellate court shall decide the appeal not later than ninety days, as the case may be.”.

STATEMENT OF OBJECTS AND REASONS

The Inheritance right has been determined by Almighty Allah but unfortunately the women did not get their proper share even after in prolonged/protected judicial proceedings, the recent judgment of Supreme Court regarding the decision civil/inheritance case in an eye penning i.e the decision after 100 years. Most of the women hesitate to knock on the door for their due right is because of the slow process.

2. Therefore, this amendment is the need of the hour so that women and her legal heirs may take their inheritance and justice may prevail.

Sd/-

SYED JAVED HUSNAIN,
Member, of National Assembly