

IN THE COURT OF CIVIL JUDGE/GUARDIAN JUDGE-I, ORAKZAI

Petition No15/2 of 2022.

Date of institution.....20.12.2022.

Date of decision.....25.02.2023.

Order No. 09
25.02.2023

Attorney of petitioner along with counsel present. Respondents have already been placed ex-parte. Evidence of petitioner recorded as PW-01 to PW-03 and closed. Ex-parte arguments also heard and record perused.

Petitioner namely Nait Ullah Jan widow of Mumtaz Ali Shah, R/O Qaum Sipoye, Tappa Lakhkari Khel, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding her minor children namely 1. Shaheen Ali Shah (son), 2. Asma Jan (daughter) and Lodeena Begum (daughter). It has been alleged that petitioner is the widow of deceased Mumtaz Ali Shah who died on 28.02.2019. It is further alleged that petitioner is the natural guardian of minors named above and the interest of petitioner and minors is common and there is no conflict in their interest, therefore, she may be appointed as guardian of minors named above.



25/02/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

07


Respondents/public at large were summoned through publication in daily "AWSAF" but no one appeared before the court to contest the instant application, hence, they were placed and proceeded against ex-parte.

Thereafter, petitioner produced three witnesses.

Accordingly, attorney for petitioner namely Haider Shah appeared and deposed as PW-01. Special power of attorney is Ex. PW-1/1. Copy of his CNIC is Ex. PW-1/2. Death certificate of deceased Mumtaz Ali is Ex. PW-1/3. Copy of CNIC of petitioner is Ex. PW-1/4. Copy of FRC is Ex. PW-1/5. Form B of minors is Ex. PW-1/6. He stated that petitioner is the mother of minors and father of minors who died on 28.02.2019. He further stated that except petitioner, there is no one else taking care of minors and requested for the grant of Guardianship Certificate.

Relatives of petitioner namely Hakim Ali and Munir Shah appeared and deposed as PW-02 & PW-03 respectively. Copy of his CNIC is Ex. PW-2/1 & Ex. PW-3/1 respectively. They stated that husband of petitioner died and the petition may be accepted in favour of petitioner.

Thereafter, ex-parte evidence of petitioner was closed.



ZAHIR KHAN
25/02/2019
Civil Judge/JM
Kalaya Orakzai

There is nothing on the case file to suggest that there is conflict of interest between petitioner and her minor children; hence, the Guardianship Certificate, as prayed for, is granted in favour of petitioner subject to furnishing surety bond in the sum of Rs: 200,000/- (Two Lac Rupees) with two local and reliable sureties each in the like amount to the satisfaction of this court with a blank stamp paper. The sureties must be men of means.

Notwithstanding, the matter of pension is falling within the ambit of special Law/rules. The department concerned may proceed as per rules accordingly.

File be consigned to the record room after its proper compilation and necessary completion.

Announced:
25.02.2023


(Zahir Khan)
Civil Judge/Guardian Judge-I,
Kalaya, Orakzai