

Order -- 3
18/06/2020

Learned counsel for the petitioner present. Inquiry notice has been returned with report that, there is no any legal heir of petitioner. Publication issued and received but none present on behalf of public at large, hence, public at large is proceeded ex-parte. To come up for evidence of the petitioner on 01/07/2020.

Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

Order-4
01/07/2020

Petitioners through attorney and counsel present. Petitioner evidence recorded and closed. File be put up for arguments on 11.07.2020.

Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

Order--5
11/07/2020

Petitioners alongwith counsel present. Arguments not heard. Counsel for the petitioner requested for adjournment. Granted, file be put up for arguments on 17.07.2020.

Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

6

Petitioner through counsel present.

Argument heard and case file perused.

Perusal of case file reveals that the instant petition instituted by the petitioner for appointment as legal guardian for the persons and properties of the minors namely **1. Sajida (15 years), 2. Wahid Ullah (12 years) 3. Maryam (9 years) 4. Hazrat Bilal (7 years) 5. Saima (5 years)** mentioned in the petition on the grounds that the petitioner is the real mother of the minors.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 16th June 2020, however none turned up as legal guardian of the minors other than the petitioner. Therefore, the respondent proceeded ex-parte. Consequently, petitioner produced ex-parte evidence.

At this stage there seems to be no clash of interest between the minors and the petitioner, being mother of the minors, in the light of statements of witnesses produced by the petitioner. It is evident that minors are residing presently with the petitioner who is looking after them. As real mother, she is most likely to take care of the welfare of the minors. Therefore, the petition in hand is accepted under Section-07 of Guardian & Wards Act, 1890 and petitioner is appointed as guardian of the person and property of the above minors having generally the rights, duties and liabilities of a guardian mentioned in the Guardian & Wards Act, 1890 and subject to the following conditions especially in view of section-34 of the said Act.

- *That she will produce the minors in court as and when required by the court.*
- *That she will maintain and educate the minors in proper manner.*
- *That she will not take away the minors outside the jurisdiction of this court without prior permission.*
- *That she will not act in prejudice to the interest of minors.*
- *That she will not be entitled to dispose of the property of minors without prior permission of the court.*

However, petitioner is required to submit before this court a surety bond of Rs. 1,000,000/- (Ten Lacs) with 02 local and reliable sureties. Guardianship certificate shall be issued accordingly. File shall be consigned to the record room after its necessary compilation and completion.

Announced
17/07/2020

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
(Farman Ullah)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)