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Order No. 05
11.07.2023

Attorney of petitioners along with counsel present. Mr. Asad Ejaz Advocate filed W/N on behalf of petitioner. Respondents have already been placed ex-parte. Ex-parte arguments heard and record perused.

Petitioner namely Asmat Begum W/O Hamid Ali R/O Qaum Sepoy, Tappa Mitakhan Khel, Tehsil Lower, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding her minors children namely 1. Muhammad Kumail (son), 2. Yousra Batool (daughter). It has been alleged that petitioner is the widow of deceased Hamid Ali who died on 07.09.2021. It is further alleged that petitioner is the natural guardian of minors named above and the interest of petitioner and minors are common and there is no conflict in their interest, therefore, she may be appointed as guardian of minor named above.

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 vide order dated 17.06.2023.



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Thereafter, petitioner produced two witnesses.

Brother of petitioner (attorney for petitioner) namely Muhammad Alam appeared and deposed as PW-01. Copy of death certificate of deceased Hamid Ali is Ex. PW-1/1. Copy of Special Power of Attorney and copy of his CNIC are Ex. PW-1/2 and Ex. PW.1/3. Copy of succession certificate is Ex.PW.1/4. He stated that petitioner is the mother of minors and father of minors died on 07.09.2021. Form B of minors is Ex. PW-1/5. He also stated that except petitioner, there is no one else taking care of minors and requested for the grant of Guardianship Certificate.

Relative of petitioner namely Amjad Ali appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He stated that husband of petitioner has been died and the petition may be accepted in favour of petitioners.

Thereafter, ex-parte evidence of petitioner was closed.

There is nothing on the case file to suggest that there is conflict of interest between petitioner and her minor son and daughter, hence, the Guardianship Certificate, as prayed for, is granted in favour of petitioner subject to furnishing surety bond in the sum of Rs: 500000/- (Five Lac Rupees) with two local and reliable sureties each in the like


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amount to the satisfaction of this court with a blank stamp paper. The sureties must be men of means.

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

Announced:
11.07.2023



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