

ORDER-04
31.07.2023

Petitioner through counsel present. Ex-parte arguments already heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Bibi Jan Wd/O Qalam Shah** for appointment as legal guardian for the person and properties of the minors namely **Muhammad Owes Khan aged about 04 years and Abdul Shakoor aged about 02 years Ss/O Qalam Shah** mentioned in the petition on the grounds that the petitioner is the real mother of the minors and that father of minors has been died.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 18.07.2023, however none turned up as legal guardian of the minors other than the petitioner. Therefore, the respondent proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Mst. Bibi Jan (petitioner) recorded her statement as PW-01. Shahnawaz and Shahid Khan deposed as PW-02 and PW-03 respectively. PW-1 submitted copy of her CNIC as Ex.PW-1/1, copy of death certificate of her husband as Ex.PW-1/2, birth certificate of minors as Ex.PW-1/3, Copy of succession certificate as Ex.PW-1/4, copy of bank statement as Ex.PW-1/5. Contents of the petition were reproduced and verified by the witnesses.

At this stage there seems to be no clash of interest between the minors and the petitioner, being a real mother of the minors, in the light of statements of witnesses produced by the petitioners. It is evident that


ZAHIR KHAN
Civil Judge, JM
Kalaya Orakza

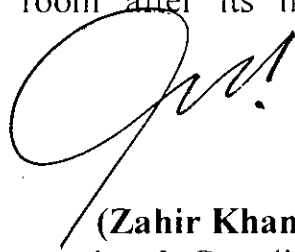
minors are residing presently with the petitioner, who is looking after them. As a real mother, she is most likely to take care of the welfare of the minors. Therefore, the petition in hand is accepted under Section-07 of Guardian & Wards Act, 1890 and petitioner is appointed as guardian of the person of the minors namely **Muhammad Owes Khan and Abdul Shakoor** 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 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.*

Original guardianship certificate be given to the petitioner subject to surety bonds of Rs.500,000/-(five lac) with two local and reliable sureties, while copy of the certificate be placed on file.

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

Announced
31/07/2023


(Zahir Khan)
Succession & Guardian Judge,
Tehsil Kalaya, Orakzai