

(4)

**IN THE COURT OF BAKHT ZADA, SENIOR CIVIL JUDGE/SUCCESSION
& GUARDIAN JDUGE, ORAKZAI**

Petition No.....14/2 of 2023.

Date of institution.....25.08.2023.

Date of decision.....15.09.2023

Title: Zainab Bibi Vs Public at Large

Order -05
15.09.2023

Special attorney of petitioners along with counsel present. Court

Fee submitted.

Arguments heard and record perused.

1. Petitioner Mst. Zainab Bibi widow of Rasool Akbar R/O of Qoum Ali Khel, Tappa Sher Khel, Tehsil Upper, District Orakzai, being real mother, have filed the instant petition for her appointment as Guardian for her children/minors namely Shaheen Akbar aged about 17 years, Irfan Ullah aged about 16 years, Muhammad Abbas aged about 6 years and Mst. Gulshan aged about 7 years. According to petitioner, the above-named minors are residing with her and she being real mother is natural guardian of the minors. That in absence of father of the minors, she is entitled for her appointment as guardian of the minors as she can take better care of the welfare of the minors than any other person.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Aieen" dated 05.09.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, one Shahid Gul S/O Kamin Gul being special attorney of the petitioners appeared as PW-01. He produced the following documents;

1. Ex. PW-1/1: Special Power of Attorney

9/14/23
BAKHT ZADA
Senior Civil Judge/JM
Orakzai
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2. Ex. PW-1/2 to Ex. PW-1/6: Nadra documents

CNCs of PW-02 and PW-03 are Ex. PW-2/1 and Ex. PW-3/1.

3. All the exhibited documents, publication and report of process server etc are placed on file. Contents of the petition were reproduced and verified by the witnesses. The report of Naimat Ullah Process Server overleaf the notice regarding minors of the deceased is self-explanatory. The list of minors of deceased is as under;


S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased
1.	Mst. Gulshan	Minor	Daughter
2.	Shaheen Akbar	Minor	Son
3.	Muhammad Abbas	Minor	Son
4.	Irfan Ullah	Minor	Son

4. There is nothing in rebuttal due to ex-parte and petitioner being real mother as she can take better care of the welfare of the minors than any other person. Therefore, she is appointed as guardian for person and property of the minors.

Original guardianship certificate be given to the petitioner subject to surety bonds in the sum of Rs. 800,000/- with two local and reliable sureties each in the like amount to the satisfaction of this court with a blank stamp paper while copy of the certificate be placed on file.

5. File be consigned to the Record Room after its necessary completion and compilation.

Announced
15.09.2023


15.9.23
(BAKHT ZADA)
SCJ/Succession & Guardian Judge,
Orakzai at Baber Mela