

ORDER-08

26.09.2023

Petitioner through counsel present. Respondents already placed and proceeded against ex-parte. Ex-parte arguments already heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mst. Sageena Bibi Wd/O Ghanam Gul** for appointment as legal guardian for the person and properties of the minors namely **Mst. Samya Bibi and Mst. Nazia Bibi Ds/O Ghanam Gul** 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: 01.09.2023, 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, Shehzad Ahmad (attorney) recorded his statement as PW-01. Naseeb Khan deposed as PW-02. Muhammadi Jan deposed as PW-03. PW-01 produced copy of death certificate of father of minors namely Ghanam Gul as Ex.PW-1/1, special attorney as Ex.PW-1/2, and copy of her CNIC is Ex.PW-1/3. Contents of the petition were reproduced and verified by the witnesses.



26/09/2023

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

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 petitioner. It is evident that minors are residing presently with the petitioner, who is looking after them. As a

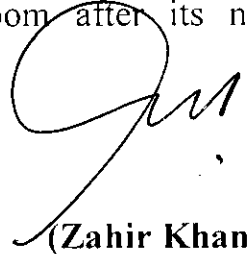
real mother, she is most likely to take care of the welfare of the minors. Therefore, the petition in hand is accepted under Section-07 of Guardian & Wards Act, 1890 and petitioner is appointed as guardian of the person of the minors namely **Mst. Samya Bibi and Mst. Nazia Bibi Ds/O Ghanam Gul** having 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 lacs) 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
26.09.2023


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