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

Petition No.....16/2 of 2023.

Date of institution.....14.09.2023.

Date of decision.....24.10.2023.

***Title: Khial Bahadar Vs Maryam Bibi and Public at Large***

**Order -08**  
24.10.2023

Petitioner through counsel present. Court fee submitted.

Arguments heard and record perused.

1. Petitioner Khial Bahadar S/O Gul Bahadar R/O Qaum Ali Khel, Tappa Sher Khel, Tehsil Upper, District Orakzai, being uncle, have filed the instant petition for his appointment as Guardian for his nephew namely Husna Bibi and Lubna Bibi. According to petitioner, the above-named minors are residing with their uncle and he is taking care of minors named above. That father of minors namely Muhammad Rafeeq died on 13.05.2011 and his death, his widow namely Maryam Bibi tie her knot and got her second marriage. That in absence of parents of the minors, he is entitled for his appointment as guardian of the minors as he can take better care of the welfare of the minor than any other person.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 16.09.2023, but no one appeared before the court, so ex-parte proceedings were initiated. Later on, counsel for petitioner submitted an application for impleadment of Mst.

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Maryam Bibi being real mother as necessary party to the petition. His application was allowed and he was directed to submit amended petition, which he submitted accordingly. Thereafter, notice to the respondent No. 2 Mst. Maryam Bibi was issued. She appeared before the court and recorded her statement to the effect that minors named above are her children and they are living with their uncle named above. She further stated that after the death of her first husband, she got into second marriage since 05 years and she is living with her second husband. She cannot take care of minors. She requested through application that Khial Bahadar be appointed as guardian for person and property of minors. Application is Ex. PA and copy of her CNIC is Ex. PB.

3. During ex-parte evidence, petitioner himself namely Khial Bahadar appeared as PW-01. He produced the following documents;

1. Ex. PW-1/1 to Ex. PW-1/4: Nadra documents
2. Ex. PW-2/1: Copy of CNIC of PW-02

4. 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 Muhammad Hussain, 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.	Husna Bibi	Minor	Daughter
2.	Lubna Bibi	Minor	Daughter

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

6. Original guardianship certificate be given to the petitioner subject to surety bonds in the sum of Rs. 200,000/- 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.

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

**Announced**  
24.10.2023

*Bakht Zada*  
24.10.23  
**(BAKHT ZADA)**  
SCJ/Succession & Guardian Judge,  
Orakzai at Baber Mela