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Order -03
25.01.2022

Petitioner present through relative.

Inquiry report has been returned and placed on file.

Publication received but none present on behalf of public at large. Hence, public at large is proceeded ex-parte.

File be put up for ex-parte petitioner's evidence on 04.02.2022.


Farman Ullah
Guardian Judge/SCJ
Orakzai at Baber Mela.

ORDER-04
04.02.2022

Petitioner through attorney and counsel present. Petitioner's evidence recorded.

Counsel for the petitioners submitted an application for mentioning the correct date of death of the deceased in succession certificate according to the death certificate as 24.10.2020 but inadvertently it has been mentioned as 24.03.2021 in the petition. The perusal of death certificate reveals that the correct date of death of deceased is 24.10.2020, hence request seems genuine and date of death of deceased is hereby corrected in the petition as per death certificate of deceased. Argument heard and case file perused.


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
04.2.22

Perusal of case file reveals that the instant petition instituted by the petitioner for appointment as guardian for the persons and properties of the minors namely **Lal Gul, Muhammad Sadiq, Mst Bibi Ayesha** and **Mst Bibi Ayesha**, mentioned in the petition on the grounds that the petitioner is the real mother of the minors.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 20th Jan, 2022, however none turned up as legal guardian of the minors other than the petitioner. Therefore, the respondent proceeded ex-parte. Consequently, petitioner produced ex-parte evidence.

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 their father has died. As 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 persons of the above minors 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.

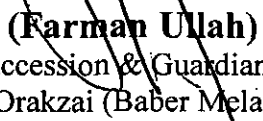
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- *That she will maintain and educate the minors in proper manner.*
- *That she will not take away the minors outside the jurisdiction of this court without prior permission.*
- *That she will not act in prejudice to the interest of minors.*
- *That she will not be entitled to dispose of the property of minors without prior permission of the court.*

Two original guardianship certificates be prepared; one original guardianship certificate be given to the petitioner subject to surety bonds of Rs. 100,000/- (one lac) with two local and reliable sureties, while one be retained and placed on judicial file for record.

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

Announced
04/02/2022


(Farman Ullah)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela