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

Petition No.....17/02 of 2023.

Date of institution.....04.12.2023.

Date of decision.....09.12.2023

*Title: Mst. Khaista Meera Vs Public at Large*

**Order -04**  
09.12.2023

Petitioner along with counsel present. Statement of petitioner recorded as PW-04. Court fee submitted.

Arguments heard and record perused.

1. Petitioner Mst. Khaista Mira widow of Said Janan R/O Qaum Mamozai, Tappa Addo Khel, Village Kata Kanray, Tehsil Upper, District Orakzai, being real mother, has filed the instant petition for her appointment as Guardian for her children/minor namely Abdullah aged about 9 years. According to petitioner, the above-named minor is residing with her and she being real mother is natural guardian of the minor. That in absence of father of the minor, she is entitled for her appointment as guardian of the minor as she 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 06.12.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, one Muhammad Baqir S/O Abdullah Jan being special attorney of the petitioner appeared as PW-01. He produced the following documents;

1. Ex. PW-1/1: Special Power of Attorney
2. Ex. PW-1/2 to Ex. PW-1/4: Nadra documents

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3. Ex. PW-1/5: Copy of Succession Certificate issued by this court

4. Ex. PW-1/10: OPF documents

3. Muhammad Karim and Abdul Ghafar being relatives of the petitioner appeared and recorded their statements as PW-02 & PW-03 respectively.

1. Ex. PW-2/1 and Ex. PW-3/1: Copy of CNICs of PW-02 and PW-03.

4. Petitioner Khaista Mira herself appeared and recorded her statement as PW-04 wherein, she stated that minor Abdullah is living with her and in absence of his father, she may be appointed as guardian of minor named above.

5. 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 Hamdan Shah bailiff overleaf the notice regarding minor of the deceased is self-explanatory.

The details of minor of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased
1.	Abdullah	Minor	Son

6. 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 minor than any other person. Therefore, she is appointed as guardian for person and property of the minor subject to the following conditions.

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

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7. 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.
8. File be consigned to the record room after its necessary completion and compilation.

Announced  
09.12.2023

*Justice*  
*9.12.23*  
**(BAKHT ZADA)**  
SCJ/Succession & Guardian Judge,  
Orakzai at Baber Mela