

13

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

Petition No.....18/2 of 2023.

Date of institution.....06.12.2023.

Date of decision.....11.12.2023

*Title: Hajra Bibi Vs Public at Large*

**Order -03**  
11.12.2023

Special attorney of petitioners along with counsel present.

Evidence of petitioners recorded as PW-01 to PW-03 and closed.

Arguments heard and record perused.

1. Petitioner Hajra Bibi widow of Sadiq Ullah Khan, R/O Qaum Rabia Khel, Tappa Ayaz Khel, Tehsil Upper, District Orakzai, being real mother, has filed the instant petition for her appointment as Guardian for her children/minor namely 1. Masood Ullah aged about 12 years 2. Azim Ullah aged about 5 years, 3. Maryam Bibi aged about 3 years and 4. Romaisa Bibi aged about 2 months. 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.

*Bakht Zada*  
*11.12.23*

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 08.12.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, one Asad Ullah S/O Rehman Shah being special attorney of the petitioners appeared as PW-01. He produced the following documents.

4

1. Ex. PW-1/1: Special power of attorney.
2. Ex. PW-1/2 to Ex. PW-1/3: Nadra documents.
3. Ex. PW-1/4: Copy of Form B of minors.
4. Ex. PW-1/5: Copy of FRC.
5. Ex. PW-1/6: Copy of bank statement.

3. PW-02 & PW-03 are the statements of Khayal Zar Khan and Eid Shireen respectively. They supported the stance of the petitioner and confirmed that minors are residing with the petitioner who is looking after them. As real mother, she is most likely to take care of the welfare of minors.

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

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 Mati Ullah process server overleaf the notice regarding minors of the deceased is self-explanatory. The details of minors of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased
1.	Masood Ullah	Minor	Son
2.	Azim Ullah	Minor	Son
3.	Maryam Bibi	Minor	Daughter
4.	Romaisa Bibi	Minor	Daughter

5. 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 named above 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.

BAKHT ZADA  
Senior Civil Judge/JM  
Orakzai  
11.12.23


5

- *That she will not be entitled to dispose of the property of minor without prior permission of the court.*

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  
11.12.2023

 *File 2 / 11.12.23*

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