

(4)

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

Petition No.....19/2 of 2023.

Date of institution.....07.12.2023.

Date of decision.....21.12.2023

*Title: Muhammad Ameer Vs Public at Large*

**Order -04**  
21.12.2023

Petitioner along with counsel present. Evidence of petitioners recorded as PW-01 to PW-03 and closed.

Arguments heard and record perused.

1. Petitioner Muhammad Ameer S/O Ghani Badshah, R/O Qaum Rabia Khel, Tappa Piyao Khel, Tehsil Upper, District Orakzai, being real brother of special person Hazir Gul, has applied through the instant petition for his appointment as Guardian. It is requested that the above-named special person is residing with him and in order to open account of the special person in the bank. The guardianship certificate is required because parents of special person Hazir Gul had already died and petitioner is his real brother.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 10.12.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, one Muhammad Ameer being petitioner himself appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1 & Ex. PW-1/2: Copies of CNICs
2. Ex. PW-1/3: Death certificate of mother of special person
3. Ex. PW-1/4: Copies of pension documents.

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3. PW-02 & PW-03 are the statements of Abdullah and Aman Ullah respectively. They supported the stance of the petitioner and confirmed that special person is residing with the petitioner as real brother of the petitioner.

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 CNIC issued in favour of special person Hazir Gul clearly indicates that he is special person and in such case, he will require the help of guardian at the time of transaction with bank in connection of the pension of his father already being disbursed on him through post office, but now it has been decided that onward the same will be disbursed upon the special person through his bank account. The evidence produced by the petitioner clearly shows that he being real brother of the special person will act for his welfare and benefit.

5. There is nothing in rebuttal due to ex-parte against the public at large, therefore, petitioner being real brother of special person Hazir Gul is hereby appointed as his guardian only to assist him in his matters with the bank concerned.

6. Original guardianship certificate be given to the petitioner subject to surety bonds in the sum of Rs. 500,000/- with two local and reliable sureties each in the like amount to the satisfaction of this court. He is further directed to submit a blank stamp paper for issuance of guardianship certificate. The sureties will be responsible for any violation of the terms of certificate. Copy of the certificate be placed on file.

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

**Announced**  
21.12.2023

*Saleem*  
21.12.23  
**(BAKHT ZADA)**  
SCJ/Succession & Guardian Judge,  
Orakzai at Baber Mela