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Order-03
12.09.2022

Petition for Guardian received from the Court of CJ-I, Orakzai. It be registered.

Petitioner present through counsel.

Inquiry report has been returned and placed on file.

Publication not received as petitioner has not deposited the fee for publication. Petitioner is directed to deposit the fee with Civil Nazir of the court within 02 days and thereafter, process be issued for the date fixed.

File be put up for publication on 19.09.2022.



Rehmat Ullah Wazir
Senior Civil Judge,
Orakzai at Baber Mela.

ORDER-04
19.09.2022

Petitioner present through attorney and counsel.

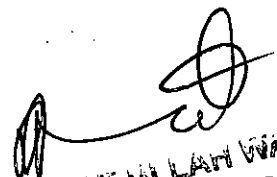
Publication received but none present on behalf of public at large. Hence, public at large is proceeded ex-parte.

Petitioner's evidence recorded. Argument heard and case file perused.

Perusal of case file reveals that the instant petition instituted by the petitioner for appointment as legal guardian for the person and properties of the minors namely 1). **Muhammad Rahim s/o Inayat Khan, 02). Hamza s/o Inayat Khan and 03). Sakina Bibi d/o Inayat Khan**, 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: 14th September, 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



REHMAT ULLAH WAZIR
Senior Civil Judge,
Orakzai at Baber Mela

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petitioner, who is looking after them. 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 person 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.*
- *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 you 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. 500,000/- (five lacs) 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
19/09/2022


(Rehmat Ullah Wazir)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)