

Or.....16  
02.08.2022

Petitioner along with counsel present. Mst. Sara Bibi also present. She cannot hear. Respondents (public at large) have already been placed and proceeded against ex-parte. Ex-parte arguments heard and file perused.

Petitioner Syed Lal Qasim S/O Syed Mir Hassan Gul R/O Qoum Stori Khel, Tappa Baba Nawasi, Annd Khel Payyan, Tehsil Lower, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding her mentally retarded sister namely Mst. Bibi Sara. It has been alleged that petitioner is the daughter of deceased Syed Mir Hassan Gul who died on 01.03.2008 and Mst. Asghar Sahib (Wife of Syed Mir Hassan Gul) also died on 16.05.2021. It is further alleged that petitioner is the natural guardian of Mst. Sara Bibi and the interest of petitioner and Mst. Sara Bibi is common and there is no conflict in their interest, therefore, he may be appointed as her guardian.

Respondents /public at large were summoned through publication in daily "AWSAF" but no one appeared before the court to contest the instant application, hence, they were placed and proceeded against ex-parte vide order dated 24.11.2021.

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Petitioner produced three witnesses.

Petitioner himself appeared and deposed as PW-01 in the witness box who supported the contents of petition. Copy of his CNIC is Ex.PW-1/1. Copy of his sister's CNIC and Disability Certificate is Ex. PW-1/2 and Ex. PW-1/3. Copy of Death Certificate of mother of petitioner is Ex. PW-1/4.

Relative of plaintiff namely Raza Husain appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He supported claim of petitioner and admitted that Mst. Bibi Sara is real sister of petitioner and her parents have been died.

Another relative of petitioner namely Syed Awid Ali Shah appeared and deposed as PW-03. Copy of his CNIC is Ex. PW-3/1. He also supported claim of petitioner and admitted that Mst. Bibi Sara is real sister of petitioner who is mentally retarded.

Petitioner has proved through his ex-parte evidence to be the natural guardian of Mst. Sara Bibi. There is nothing on the case file to suggest that there is conflict of interest between petitioner and Mst. Sara Bibi who is mentally retarded, hence, the Guardianship Certificate, as prayed for, is granted in favour of petitioner subject to furnishing surety bond in the sum of Rs: 200,000/- (Two Lac

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Rupees) with two local and reliable sureties each in the like amount to the satisfaction of this court with a blank stamp paper. The sureties must be men of means.

*Pertinent to mention that the matter of pension is falling within the ambit of special Law/rules under which the department concerned operates.*

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

**Announced:**  
02.08.2022



(Zahir Khan)  
Civil Judge-I/Guardian Judge,  
Kalaya, Orakzai