


Or.....10  
12.08.2022

Petitioner namely Javid Ali present. Mst. Najmeen Sultan, mother of minors namely Qalab-E-Hassan and Iram Naz present. She stated that the above-named minors are her children from her previous husband namely Riasat Ali. She has married petitioner Javid Ali and now she is the legally wedded wife of petitioner. She stated that she has got no objection if petitioner Javid Ali is appointed as guardian of minors. The petitioner and mother of minors stated that minor Naina Naz is the daughter of deceased Riasat Ali but she is from another wife of deceased namely Inzullah Jan and that guardianship certificate in respect of Naina Naz has already been issued in favour of Javid Ali. They requested that guardianship certificate be issued in favour of minors namely Qalab-E-Hassan and Iram Naz. Respondents (public at large) have already been placed and proceeded against ex-parte. Ex-parte arguments already heard and file perused.

  
12/08/2022  
**AMIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

Petitioner Javed Ali S/O Amar Mehdi R/O Qoum Bar Muhammad Khel, Tappa Khwaidad Khel, Tehsil Lower, District Orakzai has filed the instant petition for grant of

Guardianship Certificate regarding minors namely Qalab-E-Hassan and Iram Naz. It has been alleged that petitioner is the brother of deceased Riasat Ali who died on 05.12.2008. It was further alleged that petitioner is the uncle of minors and husband of mother of minors and that the interest of petitioner and minors are common and there is no conflict in their interest, therefore, he may be appointed as their 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 26.07.2022.

Accordingly, petitioner himself appeared and deposed as PW-01 in the witness box who supported the contents of petition. Photocopy of his CNIC is Ex-PW1/1 and photocopy of CNIC of deceased Riasat Ali (father of minors) is Ex-PW1/2. Photocopy of death certificate of deceased Riasat Ali is Ex-PW1/3. Photocopy of FRC is Ex-PW1/4. Photocopy of Form B of minors is Ex. PW-1/5. Copy of Sheet Roll of deceased is Ex. PW-1/6. He stated that minor namely Naina Naz and Naina Gul is one and the same person. One of the



12/08/22


**ZAHIR KHAN**  
Civil Judge  
Kalaya Orakzai

CNICs bearing No. 21603-2648180-2 has already been surrendered to NADRA authorities for cancelation and CNIC bearing No. 21603-6292313-6 has been retained. Affidavit-D (DUP-CLEARENCE) regarding the surrender of CNIC is Ex. PW-1/7. Guardianship Certificate already issued in favour of Naina Gul (Naina Naz) is Ex. PW-1/8.

Brother-in-law of petitioner namely Sabit Khan appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He stated that he personally knows the petitioner and minors and father of minor has died. He lastly requested for grant of guardianship certificate.

Today, mother of minors appeared and recorded her statement wherein she stated that after death of Riasat Ali, she tied her knot with Javid Ali and she has got no objection if court grants guardianship certificate in favour of Javid Ali to be guardian of minors namely Qalab-E-Hassan and Iram Naz.

Petitioner has proved through his ex-parte evidence to be the guardian with no conflict of interest with minors named above. There is nothing on the case file to suggest that there is conflict of interest between petitioner and minors, hence, the

  
12/08/22  
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

11

Guardianship Certificate, as prayed for, is granted in favour of petitioner in respect of minors namely Qalab-E-Hassan and Iram Naz subject to furnishing surety bond in the sum of Rs: 200,000/- (Two Lac 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:**  
12.08.2022



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