


Order No. 10
16.08.2022

Petitioner along with counsel present. Respondents (public at large) have already been placed and proceeded against ex-parte. Ex-parte arguments already heard and record perused.

Petitioner namely Shakeel S/O Ashraf Gul R/O Feroz Khel, Tappa Jesal Khel, Village Kari Taal, Tehsil Lower, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding his minor sister namely Salma Bibi. It has been alleged that petitioner is the son of deceased Ashraf Gul who died on 07.09.2021 and his mother died on 07.02.2022. That father of minor was chowkidar in Government Primary School, Kari Taal and after his death, his minor daughter is entitled to received monthly pension of her deceased father. It is further alleged that petitioner is the natural guardian of minor named above and the interest of petitioner and minor are common and there is no conflict in their interest, therefore, he may be appointed as guardian of minor named above.

 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

ZAHIR KHAN
Civil Judge
Kalaya Orakzai

dated 26.07.2022.

Thereafter, plaintiff produced three witnesses.

Accordingly, petitioner himself appeared and deposed as PW-01. Copy of death certificate of his father is Ex. PW-1/1. Photocopy of his CNIC, FRC and Photocopy of death certificate of her mother are Ex-PW1/2, Ex-PW1/3 and Ex-PW1/4.

Cousin of petitioner namely Muhammad Rafiq appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He stated that parents of petitioner have been died and petitioner is taking care of his minor sister.

Another cousin of petitioner namely Sartaj Aziz appeared and deposed as PW-03. Copy of his CNIC is Ex. PW-3/1. He also stated that parents of petitioner have been died and petitioner is taking care of his minor sister.

Thereafter, ex-parte evidence of plaintiff was closed.

There is nothing on the case file to suggest that there is conflict of interest between petitioner and his minor sister, 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 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.

Notwithstanding, the matter of pension is falling within the ambit of special Law/rules. The department concerned may proceed as per rules accordingly.

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

Announced:

16.08.2022



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