



**Order No. 12**  
**17.08.2022**


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

Petitioner Ikhtyar Ali S/O Awan Ali R/O Qoum Bar Muhammad Khel, Tappa Terai, village Dappa, Tehsil Lower, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding his minor niece namely Mst. Ibna Khatoon. It has been alleged that petitioner is the brother of deceased Zaidan Ali. Parents of minor died on 26.12.2014. It was further alleged that petitioner is the guardian of minor named above and the interest of petitioner and minor is 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 order dated 26.07.2022.

Thereafter, petitioner produced three witnesses.

Accordingly, relative of petitioner namely Ghayoor Ali appeared and deposed as PW-01 who supported the contents of

  
**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

petition. Photocopy of his CNIC is Ex-PW-1/1. He stated that parents and brother of minor have died.

Another relative of petitioner namely Roman Ali appeared and deposed as PW-02 who also supported contents of petition. Copy of his CNIC is Ex. PW-2/1.

Petitioner himself appeared and deposed as PW-03. Copy of his CNIC is Ex. PW-3/1. Copy of death certificate of father and mother of minor are Ex. PW-3/2 and Ex. PW-3/3. Copy of death certificate of brother of minor namely Haider Hassan is Ex. PW-3/4. Copy of Smart Card of minor is Ex. PW-3/5. He stated that grandparents of minor have also died and further requested for grant of Guardianship Certificate.

Thereafter, ex-parte evidence of plaintiff was closed.

Petitioner has proved through his ex-parte evidence to be the guardian of minor named above. There is nothing on the case file to suggest that there is conflict of interest between petitioner and minor, 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.

*Zahir Khan*

17/08/22

ZAHIR KHAN  
CIVIL JUDGE (JM)  
Kahaya OranZai

*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:**  
17.08.2022



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