

Or.....11
22.09.2022

Petitioner absent. Mother of minors namely Mst. Noroz Bibi along with son namely Muhammad Sadeeq present. Statement of mother of minors recorded as CW-01. Respondents (public at large) have already been placed and proceeded against ex-parte. Ex-parte arguments already heard and case file perused.

Record shows that petitioner Bakhtiar Gul S/O Afzal Khan R/O Qoum Feroz Khel, Tappa Jaisal Khel, Tehsil Lower, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding his minor nephews namely Zain Ullah and Sahib Ullah and niece Shazia. It has been alleged that petitioner is the brother of deceased Misri Khan who died on 07.12.2019. It is further alleged that the interest of petitioner and minors named above is common and there is no conflict in their interest, therefore, he may be appointed as their guardian for the purpose of withdrawal of the shari shares of minors in the compensation/diyat amount *accountant* lying in the office of Superintendent/District & Sessions Judge, Orakzai in shape of Saving Certificates.

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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 04.08.2022.

Petitioner produced three witnesses.

Petitioner Bakhtiyar Gul himself appeared and deposed as PW-01 in the witness box who supported the contents of petition. He reiterated the averments of plaint. Copy of his CNIC is Ex.PW-1/1. Copy of trial court order (ASJ-II, Orakzai) is Ex. PW-1/2 and school/student cards of minors Zain Ullah and Sahib Ullah are Ex. PW-1/3 and Ex. PW-1/4. He lastly requested for issuance of Guardianship Certificate.

Uncle of minors namely Taj Muhammad, appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He supported claim of petitioner and lastly requested for issuance of Guardianship Certificate.

Elder of locality of Qoum Feroz Khel namely Mukhtiyar Gul, appeared and deposed as PW-03. Copy of his CNIC is Ex. PW-3/1. He also supported claim of petitioner and admitted that petitioner is taking care of the minors.

Thereafter, evidence of petitioner was closed.

Mother of minors namely Mst. Noroz Bibi appeared and was

ZAHIR KHAN examined as CW-01. Copy of her CNIC is Ex. PA. She stated that
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has got no objection if petitioner is appointed as guardian of minor children.

Petitioner has proved through his ex-parte evidence that there is no conflict of interest between petitioner and minors named above. Mother of minors is alive. She is the natural guardian of minors, however, when she was examined as CW-01, she stated that she is a woman folk and cannot proceed the withdrawal of the shari shares of minors in shape of Saving Certificates, therefore, she has got no objection on appointment of petitioner as guardian of minors. The statement was duly endorsed by her son namely Muhammad Sadeeq, hence, the Guardianship Certificate, as prayed for, is granted in favour of petitioner subject to furnishing surety bond in the sum of Rs: 500,000/- (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.

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

Announced:
22.09.2022


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