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Order No. 05  
15.11.2022

Petitioner through 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 Atta Ullah Jan, cousin of Masooma who is daughter of Turab Ali, R/O Qaum Stori Khel, Tappa Tazi Khel, Tehsil Lower, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding his mentally retarded cousin namely Masooma. It has been alleged that petitioner is the cousin of deceased Turab Ali who died on 02.07.2022. That mother and brother of Masooma have also died on 10.03.2022 and 09.07.2015. That mother of Masooma was receiving pension and for transfer of the same, an account in the name of Masooma is required. That for opening bank account, guardianship certificate is required. It is further alleged that petitioner is the guardian of mentally retarded Masooma and the interest of petitioner and Masooma are common and there is no conflict in their interest, therefore, he may be appointed as guardian of Masooma.

  
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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.

Thereafter, petitioner produced three witnesses.

Nikbal Hussain and Imdad Ali, co-villagers of petitioner appeared and deposed as PW-01 and PW-02 respectively. Copies of their CNICs are Ex. PW-1/1 and Ex. PW-2/1 respectively. They supported the contents of petition.

Petitioner himself appeared and deposed as PW-03. He reiterated the averments of petition. Copy of his CNIC is Ex. PW-3/1. Copy of CNIC of Masooma is Ex. PW-3/2. Death certificates of father, mother and brother of Masooma are Ex. PW-3/3 to Ex. PW-3/5. Copies of FRC and disability certificate are Ex. PW-3/6 and Ex. PW-3/7. He lastly requested for the grant of Guardianship Certificate.

Thereafter, ex-parte evidence of petitioner was closed.

There is nothing on the case file to suggest that there is conflict of interest between petitioner and his mentally retarded cousin, hence, the Guardianship Certificate, as prayed for, is granted in favour of

  
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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:**  
15.11.2022



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