

Order No. 06

30.11.2022


Attorney of petitioner No. 1 present. Respondents (public at large) have already been placed and proceeded against ex-parte. Ex-parte arguments already heard and record perused.

Petitioner namely Shamida Bibi widow of Riqab Ali, R/O Qaum Sipoye, Tappa Mitha Khan, Village Khwara, Tehsil Lower, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding her minor children namely Sonina Batool, Wajiha Zahra, Razmin Ali and Zain Haider. It has been alleged that petitioner is the widow of deceased Riqab Ali who died on 06.09.2022. That father of minor was serving in Police department and after his death, his widow is entitled to receive monthly pension of her deceased husband. It is further alleged that petitioner is the natural guardian of minors named above and the interest of petitioner and minors are common and there is no conflict in their interest, therefore, she may be appointed as guardian of minors 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.

Thereafter, petitioner produced three witnesses.

Accordingly, Moin Ali, relative of petitioner (special attorney of petitioner) appeared and deposed as PW-01. Special power of attorney is Ex. PW-1/1. Copy of death certificate of deceased Riqab Ali is Ex. PW-1/2. Form B of minors, copy of bank statement and decline certificate are Ex.


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PW-1/3 to Ex. PW-1/5. He requested for issuance of guardianship certificate in favour of petitioner.

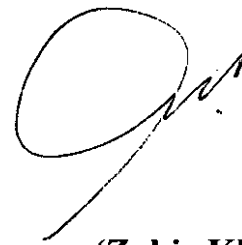
Relatives of petitioner namely Musawir Abbas and Baseer Muhammad appeared and deposed as PW-02 and PW-03 respectively. Copies of their CNICs are Ex. PW-2/1 Ex. PW-3/1 respectively. They stated that husband of petitioner has been died and petitioner is taking care of her minor children.

There is nothing on the case file to suggest that there is conflict of interest between petitioner and her minor children, 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:
30.11.2022



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