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Order No. 06
23.08.2022

Attorney of petitioners along with counsel present. Respondents have already been placed ex-parte. Ex-parte arguments already heard and record perused.

Petitioner namely Bibi Zakhmana W/O Eid Bar Gul R/O Village Shalzara, Tehsil Central, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding her minors children namely 1. Izat Ullah (son), 2. Kalsoom (daughter), 3. Hamzullah (son) and 4. Muhammad Afnan (son). It has been alleged that petitioner is the widow of deceased Eid Bar Gul who died on 31.01.2021. That father of minor has leftover amount of Rs. 978,661/- in his bank account and after his death, his minors are entitled to received leftover amount. 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 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 12.08.2022.

Thereafter, petitioner produced three witnesses.

Accordingly, son of petitioner (attorney for petitioner) namely Noor Gul appeared and deposed as PW-01. Copy of Special Power of Attorney and copy of his CNIC are Ex. PW-1/1 and Ex. PW.1/2. He



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stated that petitioner is the mother of minors and father of minors died on 31.01.2021. Copy of death certificate of deceased Eid Bar Gul is Ex. PW-1/3. Form B of minors and copy of CNIC of mother of minors are Ex. PW-1/4 and Ex. PW-1/5. He also stated that except petitioner, there is no one else taking care of minors and requested for the grant of Guardianship Certificate.


Relative of petitioner namely Gojar Khel appeared and deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. He stated that husband of petitioner died and the petition may be accepted in favour of petitioner.

Another relative of petitioner namely Mir Ajab Khan appeared and deposed as PW-03. Copy of his CNIC is Ex. PW-3/1. He supported the contents of petition and requested for issuance 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 her minor sons and daughter, 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.


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

Announced:
23.08.2022



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