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**IN THE COURT OF BAKHT ZADA, SENIOR CIVIL JUDGE/SUCCESSION  
& GUARDIAN JDUGE, ORAKZAI**

Petition No.....04/2 of 2024.

Date of institution.....01.03.2024.

Date of decision.....17.04.2024.

*Title: Qismat Bibi Vs Public at Large*

**Order -05**  
17.04.2024

Petitioner through counsel present. Arguments heard and record perused.

1. Petitioner Qismat Bibi widow of Khiyal Bat Khan, R/O Village Bari Khel, Tehsil Upper, District Orakzai, being real mother, has filed the instant petition for her appointment as Guardian for her children/minor namely 1. Muhammad Adnan aged about 16 years 2. Hameed Ullah aged about 11 years, 3. Bibi Shadma aged about 17.5 years. According to petitioner, the above-named minors are residing with her and she being real mother is natural guardian of the minors. That in absence of father of the minors, she is entitled for her appointment as guardian of the minors as she can take better care of the welfare of the minors than any other person.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 06.03.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, one Hidayat Ullah being special attorney of the petitioners appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1: Special power of attorney.
2. Ex. PW-1/2 & Ex. PW-1/3: Nadra documents.

*Done*  
17.4.24  
**BAKHT ZADA**  
Senior Civil JUDGE/JM  
Orakzai at Esber Mela

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3. Ex. PW-1/4: Copy of death certificate of deceased.

4. Ex. PW-1/4: Copy of Form B of minors.

3. PW-02 & PW-03 are the statements of Naveed Ullah and Abu Bakar Siddique respectively. They supported the stance of the petitioner and confirmed that minors are residing with the petitioner who is looking after them. As real mother, she is most likely to take care of the welfare of minors.

1. Ex. PW-2/1 and Ex. PW-3/1: CNICs of PW-02 and PW-03.

4. All the exhibited documents, publication and report of process server etc are placed on file. Contents of the petition were reproduced and verified by the witnesses. The report of Naimat Ullah process server overleaf the notice regarding minors of the deceased is self-explanatory. The details of minors of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased
1.	Muhammad Adnan	Minor	Son
2.	Hameed Ullah	Minor	Son
3.	Bibi Shadma	Minor	Daughter

5. There is nothing in rebuttal due to ex-parte and petitioner being real mother as she can take better care of the welfare of the minors than any other person. Therefore, she is appointed as guardian for person and property of the minors named above subject to the following conditions.

- That she will maintain and educate the minors in proper manner.
- That she will not take away the minor outside the jurisdiction of this court without prior permission.
- That she will not act in prejudice to the interest of minors.
- That she will not be entitled to dispose of the property of minors without prior permission of the court.

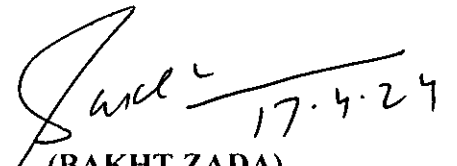
BAKHIZADA  
Senior Civil Judge/JM  
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6. Original guardianship certificate be given to the petitioner subject to surety bonds in the sum of Rs. 100,000/- with two local and reliable sureties each in the like amount to the satisfaction of this court with a blank stamp paper while copy of the certificate be placed on file.

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

Announced  
17.04.2024

  
(BAKHT ZADA)  
SCJ/Succession & Guardian Judge,  
Orakzai at Baber Mela