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

Petition.No.....10/2 OF 2024.

Date of institution.....30.05.2024.

Date of decision.....07.06.2024.

Title: Shafi Ullah Vs Public at Large

Order -04
07.06.2024

Petitioner himself along with counsel present. Inquiry report received which is placed on file. Publication also received. None present on behalf of respondents, public at large, hence placed and proceeded ex-parte. Petitioner's evidence present. Statements of PWs recorded as PW-01 to PW-03 and closed.

Arguments heard and record perused.

1. Petitioner Shafi Ullah S/O Miwa Khan, R/O Qaum Sheikhan, Tappa Umarzai, Tehsil & District Orakzai, being real brother has filed the instant petition for her appointment as Guardian for his minor brothers namely 1. *Hussain Ullah* aged about 15 years and 2. *Yaseen Ullah* aged about 12 years. According to petitioner, the above-named minors are residing with him and he being real brother is natural guardian of the minors. That parents of minors are died and their copies of death certificates are placed on file. That in absence of parents of the minors, he is entitled for his appointment as their guardian as he 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 02.06.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte

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evidence, Shafi Ullah petitioner himself appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1 to Ex. PW-1/5: NADRA documents including Copy of his CNIC, copies of death certificates of parents and birth certificates of minors.

3. PW-02 & PW-03 is the statements of Muhammad Yousaf and Muhammad Saeed. They supported the stance of the petitioner and confirmed that minors are residing with the petitioner who is looking after them. As real brother, he is most likely to take care of the welfare of minors.

1. Ex. PW-2/1 & Ex. PW-3/1: Copies of CNICs of PW-02 & PW-03 respectively.

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 Muhammad Hussain 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/min or	Relation with deceased
1.	Hussain Ullah	Minor	Son
2.	Yaseen Ullah	Minor	Son

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

- That he will maintain and educate the minor in proper manner.
- That he will not take away the minor outside the jurisdiction of this court without prior permission.
- That he will not act in prejudice to the interest of minor.

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- *That he will not be entitled to dispose of the property of minor without prior permission of the court.*

6. Original guardianship certificate be given to the petitioner subject to surety bonds in the sum of Rs. 200,000/- 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. Case file be consigned to the record room after its necessary completion and compilation.

Announced
07.06.2024

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SCJ/Succession & Guardian Judge,
Orakzai at Baber Mela