

04

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

Petition No: .....06/2 of 2024.

Date of institution: .....03.05.2024.

Date of decision: .....27.05.2024.

*Title: Shawar Khela Vs Public at Large*

**Order -05**  
27.05.2024.

Petitioner herself along with counsel present. Evidence of petitioners recorded as PW-01 to PW-03 and closed.

Arguments heard and record perused.

1. Petitioner Shawar Khela widow of Riaz Ullah, R/O Qaum Mala Khel, Tappa Qutab Khel, Tehsil Upper, District Orakzai, being real mother has filed the instant petition for her appointment as Guardian for her children/minor namely **1. Shah Asma Bibi** aged about 7 years **2. Ahmad Ullah** aged about 6 years and **3. Muhammad Ullah** aged about 4 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 their guardian 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 09.05.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, Shawar Khela petitioner herself appeared as PW-01. She produced the following documents.

1. Ex. PW-1/1: Copy of death certificate of deceased Riaz Ullah.
2. Ex. PW-1/2 & Ex. PW-1/3: Nadra documents.

*Shawar*  
27.5.24  
**BAKHT ZADA**  
Senior Civil Judge/JM  
Orakzai at Baber Mela

(P)

3. PW-02 is the statements of Shah Zaman. He 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: Copy of CNIC of PW-02.

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 Hamdan Shah Bailiff 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.	Shah Asma Bibi	Minor	Daughter
2.	Ahmad Ullah	Minor	Son
3.	Muhammad Ullah	Minor	Son

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 minor 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 minor.
- That she 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.

**F. BAKHT ZADA**  
 Senior Civil Judge/JM  
 Orakzai District Mela  
 9/10/21  
 29.5.24

(6)

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

Announced  
27.05.2024

*Javer* 27.5.24  
**(BAKHT ZADA)**  
SCJ/Succession & Guardian Judge,  
Orakzai at Baber Mela