

IN THE COURT OF ZAHIR KHAN
Civil Judge-I, Kalaya, Orakzai

Petition No.3/2 neam of 2024
Date of original institution..... 02.05.2024
Date of present institution..... 03.06.2024
Date of decision11.06.2024

ORDER..11
11.06.2024

Petitioner through special attorney and counsel present. Ex-parte evidence of petitioner recorded as PW-01 to PW-03 and closed. Arguments heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mst. Hazima Jan Wd/O Shoaib Ali** for her appointment as legal guardian for the person of the minors namely **Mst. Asma Batool, Mst. Abeeha Zahra Ds/O Shoaib Ali and Ahmad Abbas, Muhammad Abbas, Safdar Abbas Ss/O Shoaib Ali** mentioned in the petition on the grounds that the petitioner is the real mother of the minors and that father of minors has been died.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 07.05.2024, however none turned up as legal guardian of the minors other than the petitioner. Therefore, the respondent was proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

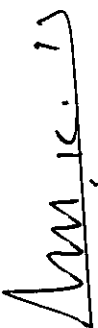
During course of recording evidence, Tofail Hassan (special attorney) recorded his statement as PW-01. Bilal Hassan and Ilman Ali deposed as PW-02 and PW-03 respectively. PW-01 produced his special attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, copy of death

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certificate of father of minors is Ex.PW-1/3 and Form "B" as Ex.PW-1/4.
Contents of the petition were reproduced and verified by the witnesses.

At this stage there seems to be no clash of interest between the minors and the petitioner, being a real mother of the minors, in the light of statements of witnesses produced by the petitioner. It is evident that minors are residing presently with the petitioner, who is looking after them. As a real mother, she is most likely to take care of the welfare of the minors. Therefore, the petition in hand is accepted under Section-07 of Guardian & Wards Act, 1890 and petitioner is appointed as guardian of the person of the minors namely **Mst. Asma Batool, Abeeha Zahra Ds/O Shoaib Ali, Ahmad Abbas, Muhammad Abbas, Safdar Abbas Ss/O Shoaib Ali** having generally the rights, duties and liabilities of a guardian mentioned in the Guardian & Wards Act, 1890 and subject to the following conditions

especially in view of section-34 of the said Act.


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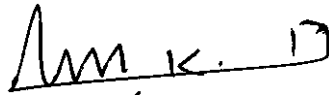
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- *That she will produce the minor in court as and when required by the court.*
- *That she will maintain and educate the minors in proper manner.*
- *That she will not act in prejudice to the interest of minors.*
- *That she will not be entitled to dispose of the property of minors without prior permission of the court.*

Original guardianship certificate be given to the petitioner subject to surety bonds of Rs.500,000/-(five lac) with two local and reliable sureties, while copy of the certificate be placed on file.

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

Announced
11.06.2024



(Zahir Khan)
Succession & Guardian Judge,
Tehsil Kalaya, Orakzai