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

Petition No.....09/02 OF 2024.

Date of institution.....27.05.2024

Date of decision.....11.07.2024.

Title: Muhammad Satar Vs Public at Large

Order - 06
11.07.2024

Petitioner through special attorney along with counsel present. Father of Hukam Khela present. He submitted special power of attorney on behalf of Hukam Khela and recorded his statement as PW-04. Counsel for petitioner closed the evidence.

Arguments heard and record perused.

1. Petitioner Muhammad Satar S/O Muhammadi Gul, R/O Qaum Rabia Khel, Tappa Ayaz Khel, Goda, Tehsil Upper, District Orakzai, being step brother of minor has filed the instant petition for his appointment as Guardian for his step sister/minor namely *Asna Bibi*. According to petitioner, the above-named minor is residing with him. That in absence of father of the minor, he is entitled for his appointment as her guardian as he can take better care of the welfare of the minor than any other person.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 31.05.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, Muhammad Fayaz being special attorney appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1: Special power of attorney.
2. Ex. PW-1/2: Copy of his CNIC

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

4. Ex. PW-1/4 to Ex. PW-1/7: Nadra documents.

3. PW-02 & PW-03 is the statements of Siraj U Din and Basweer Khan. They supported the stance of the petitioner and confirmed that minor is residing with the petitioner who is looking after her. As step brother, he is most likely to take care of the welfare of minor.

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

4. PW-04 is the statements of Umar Badshah. He also supported the stance of the petitioner and confirmed that minor is residing with the petitioner who is looking after her. As step brother, he is most likely to take care of the welfare of minor.

1. Ex. PW-4/1 & Ex. PW-4/2: Special power of attorney and copy of CNIC of PW-04.

5. 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 Mati 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 heir	Major/minor	Relation with deceased
1.	Asna Bibi	Minor	Daughter

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

- That she will maintain and educate the minor in proper manner.

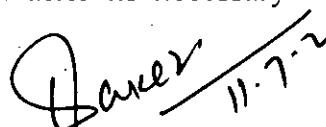
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- That she will not take away the minor outside the jurisdiction of this court without prior permission.
- That she will not act in prejudice to the interest of minor.
- That she will not be entitled to dispose of the property of minor without prior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

7. 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.

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

Announced
11.07.2024


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