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

Petition No.....13/2 of 2024.

Date of institution.....02.09.2024.

Date of decision.....07.09.2024.

Title: Sail Jana Bibi Vs Public at Large

Order -03
07.09.2024

Petitioner through special attorney 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 Sail Jana Bibi (mother of deceased Muhammad Ur Rehman) W/O Naimat Khan, R/O Qaum Mamozai, Tappa Mir Kalam Khel, Tehsil Upper, District Orakzai, being real paternal grandmother, has filed the instant petition for her appointment as Guardian for her grandchildren/minor namely 1. Abdul Hameed aged about 11 years 2. Muhammad Arshad aged about 3 years, 3. Muhammad Sohail aged about 1 year, 4. Bibi Hanifa aged about 16 years, 5. Bibi Fatima aged about 14 years and 6. Safia Bibi aged about 8 years. According to petitioner, the above-named minors are residing with her and she being real paternal grandmother is natural guardian of the minors. That both parents of minors are deceased. That in absence of parents 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.

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Senior Civil Judge/JM
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2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 04.09.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, one Zia Ur Rehman 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 to Ex. PW-1/11: Nadra documents.

3. PW-02 & PW-03 are the statements of Muhammad Bilal and Muhammad Idrees respectively. They supported the stance of the petitioner and confirmed that minors are residing with the petitioner who is looking after them. As real paternal grandmother, 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 Hamdan Shah 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.	Abdul Hameed	Minor	Son
2.	Muhammad Arshad	Minor	Son
3.	Muhammad Sohail	Minor	Son
4.	Bibi Hanifa	Minor	Daughter
5.	Bibi Fatima	Minor	Daughter
6.	Safia Bibi	Minor	Daughter

5. There is nothing in rebuttal due to ex-parte and petitioner being real paternal grandmother 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.


J. Zia
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- *That she will maintain and educate the minors in proper manner.*
 - *That she will not take away the minors 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.*

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

Announced
07.09.2024


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