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

Petition No.....14/2 OF 2024.

Date of institution.....03.09.2024.

Date of decision.....09.09.2024.

Title: Wakeel Khan Vs Public at Large

Order No. 03
09.09.2024

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-02 and closed.

Arguments heard and record perused.

Bakht Zada
BAKHT ZADA
Senior Civil Judg/JM
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1. Petitioner Wakeel Khan S/O Hakeem Khan, R/O Qaum DDM, Tappa Machli Khel, Ghiljo, Tehsil Upper, District Orakzai, being real grandfather of Abid Rehman has filed the instant petition for his appointment as Guardian for his grandson named above aged about 20 years. According to petitioner, the above-named person is residing with him as his father has already died and his mother has gone into marriage with another person, death certificate of father of the above named person is available on the case file.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 09.09.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, Wakeel Khan petitioner himself appeared as PW-01. He produced the following documents.

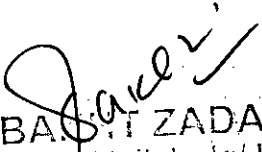
1. Ex. PW-1/1; Copy of his CNIC

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2. Ex. PW-1/2: Death certificate of father of deceased
3. Ex. PW-1/3: Copy of affidavit regarding re-marriage
3. PW-02 is the statement of Abid Rehman, himself. He stated that he is student of class 6th. Copy of his school leaving certificate is Ex. PW-2/1. Copy of his domicile certificate is Ex. PW-2/1 and copy of attendance sheet is Ex. PW-2/3.
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 Naimat Ullah process server overleaf the notice regarding the son of the deceased is self-explanatory. The details of son of deceased is as under;

S. No	Name of petitioner legal heirs	Major/min or	Relation with deceased
1.	Abid Rehman	Major	Son

5. That in absence of parents of the Abid Rehman, the petitioner being real grandfather of the person named above is entitled for his appointment as guardian on the ground that no one has come forward despite of publication in the daily newspaper, furthermore, the son of deceased has been residing with the petitioner/his grandfather since the death of his father and he is taking care of the welfare of the son of deceased. In such like situation, when notice to respondents i.e public at large is already issued in daily newspaper "Ausaf" dated 26.07.2024 and the PWs have recorded their statements fully in line with the stance of the petitioner. There is nothing in rebuttal due to ex-parte and petitioner being real grandfather as he can take better care of the welfare of the person than any other person. Therefore, he is appointed as guardian for person and property of the person named above subject to the following conditions.


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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:
09.09.2024



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