

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

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Petition No. ....6/2 of 2024

Date of institution..... 22.06.2024

Date of decision .....01.08.2024

**ORDER..10**  
01.08.2024

Petitioner present through clerk of counsel. Respondents have already been placed ex-parte. Arguments already heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mst. Kahid Mina Wd/O Sagheer Ali** for her appointment as legal guardian for the person of the minors namely Muhammad Raza aged about 16 years, Asad Raza aged about 14 years, Majid Raza aged about 13 years Ss/O Sagheer Ali, Maryam Begum aged about 11 years and Amima Naz aged about 08 years Ds/O Sagheer 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: 30.07.2024, 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, Imtiaz Ali (special attorney) appeared and recorded his statement as PW-01. Nasir Ali and Jabar Ali deposed as PW-02 & PW-03 respectively. PW-01 produced his special

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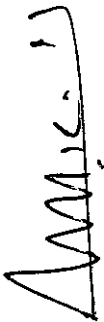


power of attorney as Ex.PW-1/1, copy of his CNIC is Ex.PW-1/2, copy of CNIC of petitioner is Ex.PW-1/3, copy of death certificate of father of minors is Ex.PW-1/4 and copy of form "B" of minors is Ex.PW-1/5. PW-02 and PW-03 produced their CNICs. Copies are Ex.PW-2/1 and Ex.PW-3/1. Contents of the petition 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 Muhammad Raza, Asad Raza, Majid Raza Ss/O Sagheer Ali, Maryam Begum and Amima Naz Ds/O Sagheer 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.

- *That she will produce the minors 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.*

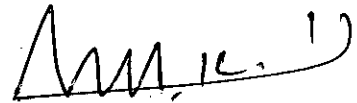
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Original guardianship certificate be given to the petitioner subject to surety bonds of Rs.500,000/-(five lac) with two local and reliable sureties, while copy of the certificate be placed on file.

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

Announced  
01.08.2024



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