

4

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

Petition No.....11/02 of 2024.

Date of institution.....11.07.2024.

Date of decision.....29.07.2024.

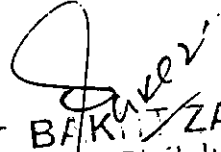
Title: Dil Shad Bibi Vs Public at Large

Order No. 05
29.07.2024

Petitioner through special attorney along with counsel present.

Ex-parte petitioner's evidence present. Their statements recorded as PW-01 & PW-02 and closed. Arguments heard and record perused.

1. Petitioner Dil Shad Bibi widow of Muhammad Ishaq, R/O Qaum Rabia Khel, Tappa Pio Khel, Chorri Tang, Tehsil Upper, District Orakzai, being real mother has filed the instant petition for her appointment as Guardian for her children/minor namely 1. *Hameed Ullah* aged about 06 years and 2. *Muhammad Hassan* aged about 1 month. According to petitioner, the above-named minors are residing with her and she being real mother is natural guardian of the minors. That in absence of father of the minors, she is entitled for her appointment as their guardian as she can take better care of the welfare of the minors than any other person.


BAKHT ZADA
Senior Civil Judg/JM
Orakzai of Baber Mel

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 22.07.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, Rashid as 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 to Ex. PW-1/6: Nadra documents.

4 (5)

3. PW-02 is the statement of Ibrahim. He supported the stance of the petitioner and confirmed that minors are residing with the petitioner who is looking after them. As real mother, she is most likely to take care of the welfare of minors.

1. Ex. PW-2/1: Copy of CNIC of PW-02.

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 Bailiff 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/minor	Relation with deceased
1.	Hameed Ullah	Minor	Son
2.	Muhammad Hassan	Minor	Son

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

- 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.

J. Akter,
FAKHT ZADA
Senior Civil Judge

6. Petitioner has not submitted blank stamp paper and surety bonds, thus Original guardianship certificate be given to the petitioner subject to produce the blank stamp paper and surety bonds in the sum of Rs. 200,000/- with two local and reliable sureties each in the like amount

6

to the satisfaction of this court then copy of the certificate be placed on file.

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

Announced
29.07.2024

Javer
29.7.24
(BAKHT ZADA)
S.C./Succession & Guardian Judge,
Orakzai at Baber Mela