

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

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Petition No.....12/2 OF 2024.  
Date of institution.....25.07.2024.  
Date of decision.....30.07.2024.

*Title: Aziz Khan Vs Public at Large*

**Order No. 04**  
30.07.2024

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-03 and closed.

Arguments heard and record perused:

1. Petitioner Aziz Khan S/O Malak Momin Khan, R/O. Qaum Ali Khel, Tappa Zanka Khel, Tehsil Upper, District Orakzai, being real uncle of the minor has filed the instant petition for his appointment as Guardian for his minor nephew namely *Safi Ullah* aged about 14 years and 10 months. According to petitioner, the above-named minor is residing with him as his parents have already died and their death certificates are available on the case file.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 26.07.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During ex-parte evidence, Aziz Ullah petitioner himself appeared as PW-01. He produced the following documents.

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1. Ex. PW-1/1 to Ex. PW-1/5: NADRA documents including Copy of his CNIC, copies of death certificates of parents and birth certificate of minor.

3. PW-02 & PW-03 are the statements of Hunar Shah and Basit Aziz. They supported the stance of the petitioner and confirmed that minor is residing with the petitioner who is looking after them. As real uncle, 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 respectively.

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 Muhammad Hussain process server overleaf the notice regarding minor of the deceased is self-explanatory. The details of minor of deceased is as under;

S. No	Name of petitioner legal heirs	Major/min or	Relation with deceased
1.	Safi Ullah	Minor	Son

5. That in absence of parents of the minor, the petitioner being real uncle of the minor 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 minor has been residing with the petitioner/his uncle since the death of his parents and he is taking care of the welfare of the minor. 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 uncle as he can take better care of the welfare of the minor than any other person. Therefore, he is

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appointed as guardian for person and property of the minor named above subject to the following conditions.

- *That he will maintain and educate the minor in proper manner.*
- *That he will not take away the minor outside the jurisdiction of this court without prior permission.*
- *That he will not act in prejudice to the interest of minor.*
- *That he will not be entitled to dispose of the property of minor 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. Case file be consigned to the record room after its necessary completion and compilation.

Announced  
30.07.2024

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*30/7/24*  
**(BAKHT ZADA)**  
S.C.J./Succession & Guardian Judge,  
Orakzai at Baber Mela