

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

Petition No.9/2 of 2024

Date of institution..... 23.07.2024

Date of decision23.09.2024

ORDER..17

23.09.2024

Petitioner through special attorney and counsel present. Special power of attorney on behalf of petitioner in favor of Sahib-ul-Haq submitted. Ex-parte evidence of petitioner recorded as PW-01 to PW-03 and closed. Ex-parte arguments heard today and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mst. Badan Bibi Wd/O Naseem Khan** for her appointment as legal guardian for the person of the minors namely **Khushbo Bibi D/O Naseem Khan, Zul Qarnain and Zul Norain Ss/O Naseem Khan** 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 on 27.02.2022.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 03.09.2024, 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, Sahib-ul-Haq (special attorney) appeared and recorded his statement as PW-01. Khana Gul and Himat

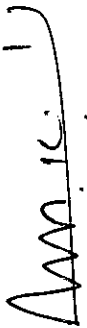
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M.K. 17
23/09/24

Khan deposed as PW-02 & PW-03 respectively. PW-01 produced copy of his CNIC as Ex.PW-1/1, copy of CNIC of petitioner as Ex.PW-1/2, copy of death certificate of father of minors as Ex.PW-1/3, copy of FRC of minors as Ex.PW-1/4. PW-02 and PW-03 produced their CNICs. Copies of the same 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 the 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 **Khushbo Bibi, Zul Qarnain and Zul Norain** 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 minor 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.*

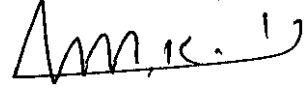
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23/09/02

Original guardianship certificate be given to the petitioner subject to surety bonds of Rs.100,000/-(one 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
23.09.2024



(Zahir Khan)

Succession & Guardian Judge-I,
Tehsil Kalaya, Orakzai