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IN THE COURT OF IJAZ MAHSOOD
Senior Civil Judge/ Guardian Judge, Orakzai at Baber Mela

Petition No.18/2 of 2024

Date of institution..... 10.10.2024

Date of decision29.10.2024

Order No. 06

29.10.2024

Petitioner through special attorney present. Ex-parte evidence of petitioner already recorded as PW-01 to PW-03 and closed. Statement of CW recorded as CW-01. Ex-parte arguments heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mst. Shahid Begum Wd/O Sheraz Gul** for her appointment as legal guardian for the person of the minor namely **Mst. Sapna Bibi D/O Sheraz Gul aged about 12 years** mentioned in the petition on the grounds that the petitioner is the real mother of the minor and that father of minor has been died on 16.10.2019.

The respondents/general public was summoned through publication in newspaper "Daily Ausaf" dated: 13.10.2024, however none turned up as legal guardian of the minor other than the petitioner. Therefore, the respondent was proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Sameen Rehman (special attorney) appeared and recorded his statement as PW-01. Jahanzeb Khan and Munsif Rehman deposed as PW-02 & PW-03 respectively. PW-01

Senior Civil Judge
Orakzai at Baber Mela
29 OCT 2024
[Signature]

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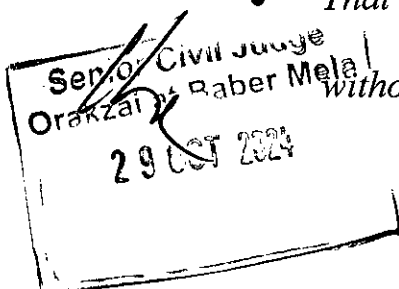
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produced special power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, copy of death certificate of father of minor as Ex.PW-1/3, copy of form "B" of minor as Ex.PW-1/4, copy of CNIC of mother of minor as Ex.PW-1/5. Contents of the petition were reproduced and verified by the witnesses.

At this stage there seems to be no clash of interest between the minor and the petitioner, being the real mother of the minor, in the light of statements of witnesses produced by the petitioner, it is evident that minor is residing presently with the petitioner, who is looking after her. As a real mother, she is most likely to take care of the welfare of the minor. 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 minor namely **Mst. Sapna Bibi** 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 minor in proper manner.*
- *That she will not act in prejudice to the interest of minor.*
- *That she will not be entitled to dispose of the property of minor without prior permission of the court.*



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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

29.10.2024



(Ijaz Mahsood)
SCJ/ Guardian Judge,
Orakzai at Baber Mela