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ORDER-05  
21.12.2024

Petitioner through counsel present. Ex-parte evidence recorded as PW-01 to PW-03 and closed. Ex-parte arguments heard and record gone through.

Perusal of case file reveals that the instant petition instituted by the petitioner namely **Mst. Bibi Hab Jan widow of Malik Muhammad Zaib Khan** for appointment as legal guardian for the person and properties of the minors namely **1. Muhammad Haroon (About 16 years), 2. Muhammad Faizan (About 14 years) and 3. Mst. Rafina Bibi (About 12 Years)** mentioned in the petition on the grounds that the petitioner is the real mother of the minors.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 16<sup>th</sup> December, 2024, however none turned up as legal guardian of the minors other than the petitioner. Therefore, the respondent proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Abdul Hameed son of Malik Muhammad Zaib Khan recorded his statement as PW-01. Rauf Khan and Khushrang Khan deposed as PW-02 and PW-03 respectively. PW-01 is the son of petitioner. He submitted copy of FRC,

  
**MUHAMMAD JUNAID ALAM**  
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which is Ex. PW-1/1. Form B is Ex. PW-1/2. Copy of death certificate of deceased Malik Muhammad Zaib Khan, who died on 21<sup>st</sup> September, 2023 as Ex. PW-1/3. Copy of Bank statement is Ex. PW-1/4. He produced the copy of his CNIC and his mother CNIC which are Ex. PW-1/5 & Ex. PW-1/6 respectively. Contents of the petition were reproduced and verified by the witnesses. PW-02 & PW-03 produced the copies of their CNICs which are Ex. PW-2/1 & Ex. PW-3/1 respectively.

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 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 above minor 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.

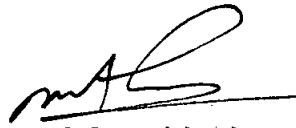
  
MST. BIBI HAB JAN  
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- *That she will produce the minors in court as and when required by the court.*
- *That she will maintain and educate the minors in proper manner.*
- *That she will not act in prejudice to the interest of minors.*
- *That she will not be entitled to dispose of the property of minors without prior permission of the court.*

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  
21.12.2024

  
Muhammad Junaid Alam,  
Succession & Guardian Judge,  
Tehsil Courts Kalaya, Orakzai