

**ORDER-03**  
19.12.2024

Petitioner through attorney along with counsel present. Inquiry report received, which is placed on file. Publication received but no one present on behalf of public at large, hence, placed and proceeded ex-parte. Ex-parte evidence recorded as PW-01 to PW-03 and closed. Ex-parte arguments heard and record gone through.

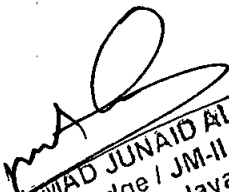
Perusal of case file reveals that the instant petition instituted by the petitioner namely **Mst. Hameeda widow of Syed Inayat Ali Shah** for appointment as legal guardian for the person and properties of the minors namely **1. Syed Raza (About 17 years) 2. Mst. Bibi Asma (15 years) 3. Mst. Ances Fatima (About 12 years) 4. Amar Abbas (About 08 years) 5. Syed Tassarwar Abbas (About 07 years) and 6. Syed Muhammad Mehdi (About 04 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: 18<sup>th</sup> December, 2024, however none turned up as legal guardian of the minors other than the petitioner.

  
**MUHAMMAD JUNAID ALAM**  
Civil Judge / JM-II  
Orakzai at Kalaya

Therefore, the respondent proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Syed Tahir Hussain/attorney recorded his statement as PW-01. Syed Sardar Hussain and Syed Muhammad Hassanain deposed as PW-02 and PW-03 respectively. PW-01 is the special power of attorney for petitioner which is Ex. PW-1/1. He further submitted copy of death certificate of deceased Syed Inayat Ali Shah, who died on 25<sup>th</sup> October, 2024 as Ex. PW-1/2, copy of FRC certificate as Ex. PW-1/3 and copy of his CNIC is Ex. PW-1/4. 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.

  
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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

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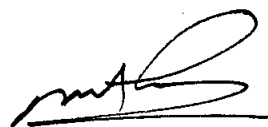
above minor having generally the rights, duties and liabilities of a guardian mentioned in the Guardian & Wards Act, 1890 and subject to the following conditions especially in view of section-34 of the said Act.

- *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  
19/12/2024

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