

Order No. 04
22.05.2025

Petitioner along with counsel present. Publication received but no one appeared on behalf of public at large hence, placed and proceeded ex-parte. Ex-parte evidence recorded as PW-01 to PW-03 & closed. Ex-parte arguments heard and file perused.


Petitioner namely Mst: Shandana widow of Atta Ullah, R/O Qaum Feroz Khel, Tappa Qeemat Khel, Village Songranai, Tehsil Lower, District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding her minor children namely 1. Habsa Bibi (daughter), 2. Aiman Bibi (daughter), and 3. Atta ur Rehman (son). It has been alleged that petitioner is the widow of deceased Atta Ullah who died on 21.02.2025. It is alleged that petitioner is the natural guardian of minors named above and the interest of petitioner and minors is common and there is no conflict in their interest, therefore, she may be appointed as guardian of minors named above.

Respondents /public at large were summoned through publication in daily "AWSAF" but no one appeared before the court to contest the instant application, hence, they were placed and proceeded ex-parte.

Thereafter, petitioner produced three witnesses.

Petitioner herself appeared and recorded her statement as PW-01.

She stated that deceased Atta Ulla is her husband. Who died on 21.02.2025. Deceased Atta Ullah have three children. Copy of death certificate of deceased Atta Ullah is Ex.PW-1/1. FRC is Ex.PW-1/2. Copy


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

of her CNIC is Ex.PW-1/3. She lastly requested for issuance of Guardian Certificate in her favour.

Shan Asghar and Ameer Hamza, brothers of petitioner appeared and recorded their statement as PW-02 and PW-03 respectively. They stated that deceased Atta Ullah is their brother. They also supported contents of petition and further requested for grant of Guardianship Certificate in favor of petitioner namely Mst: Shandana. Photocopies of their CNIC are Ex. PW-2/1 and Ex. PW-3/1 respectively.

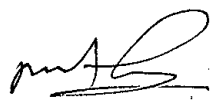
Thereafter, ex-parte evidence of petitioner was closed.

Petitioner has proved through their ex-parte evidence to be the natural guardian of minors named above. There is nothing on the case file to suggest that there is conflict of interest between petitioner and minors, hence, the Guardianship Certificate, as prayed for, is granted in favour of petitioner namely Mst: Shandana subject to furnishing surety bond in the sum of Rs: 100,000/- (One Lac Rupees) with two local and reliable sureties each in the like amount to the satisfaction of this court with a blank stamp paper. The sureties must be men of means.

Notwithstanding, the matter of pension is falling within the ambit of special Law/rules. The department concerned may proceed as per rules accordingly.

File be consigned to the record room after its proper compilation and necessary completion.

Announced:
22.05.2025


(Muhammad Junaid Alam)
Civil Judge-II/Guardian Judge,
Kalaya, Orakzai