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Mst. Riffat Bibi vs Public at large .

IN THE COURT OF IJAZ MAHSOOD

Senior Civil Judge/Guardian Judge, Orakzai at Baber Mela

Petition No.08/2 of 2025

Date of institution..... 02.09.2025

Date of decision26.09.2025

Order No. 05

26.09.2025

Petitioner along with counsel present. Ex-parte arguments already heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mst. Riffat Bibi D/O Nazar Baz** for her appointment as legal guardian for the person of the minors namely **Muhammad Yar** (DOB: 12.08.2008) and **Mst. Sidra Bibi (DOB: 12.08.2008)** mentioned in the petition on the grounds that the petitioner is the real sister of the minors and that parents of the minors have been died.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 04.09.2025, however none turned up as legal guardian of the minors other than the petitioner. Therefore, the respondents were proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Riffat Bibi (petitioner) appeared and recorded her statement as PW-01. Muhammad Nabeel deposed as PW-02. Syed Mushahid Hussain deposed as PW-03. PW-01 produced copy of her CNIC as Ex.PW-1/1, FRC as Ex.PW-1/2, birth certificates of minors are Ex.PW-1/3 and Ex.PW-1/4, death certificate of mother as Ex.PW-1/5 and receipt of cancellation of father CNIC as Ex.PW-1/6. Copies of CNICs of PW-02 and PW-03 are Ex.PW-2/1 and Ex.PW-3/1

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respectively. Contents of the petition were reproduced and verified by the witnesses.

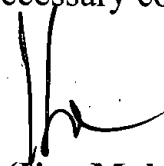
At this stage there seems to be no clash of interest between the minors and the petitioner, being the real sister of the minors, in the light of statements of witnesses produced by the petitioner, it is evident that minors are residing presently with the petitioner, who is looking after them. As a real sister, 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 **Muhammad Yar** and **Mst. Sidra 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 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 lacs) 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 completion and compilation.

Announced
26.09.2025


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