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Hikmat Ali vs Public at large.

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

Petition No.14/2 of 2025

Date of institution..... 17.12.2025

Date of decision06.02.2026

Order No. 07

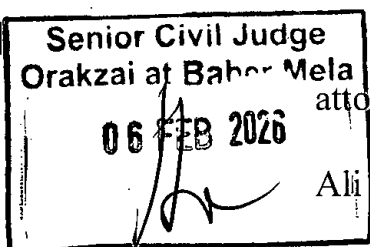
06.02.2026

Petitioner along with counsel present. PW Niaza Bibi present and her statement recorded as PW-04 and closed. Arguments heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Hikmat Ali S/O Shamat Khan** for his appointment as legal guardian for the person of the minors namely **Tasawer Hussain** (DOB: 12.03.2016), **Mst. Munazma Batool** (DOB: 01.01.2011) and **Mst. Tawasal Zahra** (DOB: 01.02.2012) mentioned in the petition on the grounds that the petitioner is the step brother of the minors and that father of the minors has been died on 05.07.2022.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 07.01.2026, 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, Rehmat Khan (special attorney) appeared and recorded his statement as PW-01. Inar Ali, Rasid Ali and Niaza Bibi are deposed as PW-02 to PW-04. PW-01 produced his power of attorney as Ex.PW-1/1, death certificate of father of minors as Ex.PW-1/2, copy of his CNIC as Ex.PW-1/3, and copy of form (B) of



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minors as Ex.PW-1/4. Copies of CNICs of PW-02 to PW-04 are Ex.PW-2/1, Ex.PW-3/1 and Ex.PW-4/1 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 step brother 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 step brother, he 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 **Hikmat Ali S/O Shamat Khan** 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 he will produce the minors in court as and when required by the court.*
- *That he will maintain and educate the minors in proper manner.*
- *That he will not act in prejudice to the interest of minors.*
- *That he 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
06.02.2026


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