IN THE COURT OF IJAZ MAHSOOD

Senior Civil Judge/Guardian Judge, Orakzai at Baber Mela

Petition No. .....15/2 of 2025

Date of institution..... 18.12.2025

Date of decision 30.01.2026

Order No. 06
30.01.2026

Petitioner through counsel present. Arguments heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mst. Rabia Zubair Wd/O Abu Zar Ghafari** for her appointment as legal guardian for the person of the minors namely **Mst. Afsha Abuzar** (DOB: 01.01.2022) and **Orhan Abuzar** (*DOB: 01.06.2024*) mentioned in the petition on the grounds that the petitioner is the real mother of the minors and that father of the minors has been died on 02.10.2025.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 25.12.2025, 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, Mustafa Amin (special attorney) appeared and recorded his statement as PW-01. Muhammad Suleman and Naqeeb Ullah are deposed as PW-02 and PW-03. PW-01 produced his power of attorney as Ex.PW-1/1, copy of his CNIC as

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.PW-1/2, copy of CNIC of petitioner as Ex.PW-1/3, copy of form (B) of minors as Ex.PW-1/3, copy of death certificate of deceased as Ex.PW-1/4, FRC as Ex.PW-1/5, copy of CNIC of deceased as Ex.PW-1/6 and copy of passport as Ex.PW-1/7. 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 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 a 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 minors namely **Mst. Ashfa Abuzar** and **Orhan Abuzar** 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.*

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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
30.01.2026

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