

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

Petition No.6/2 of 2026

Date of institution..... 02.09.2026

Date of decision19.10.2026

Order No. 08
19.10.2026

Petitioner along with counsel present. Mother of the newly born child appeared who stated that she has no objection, if, Aminullah is appointed as legal guardian for her son. To this effect, her statement recorded and placed on file. Arguments heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Aminullah S/O Ismail** for his appointment as legal guardian for the person of the minors namely 1.**Salma Bibi** (DOB: 02.08.2011), 2.**Shumaila Bibi** (DOB: 01.08.2012), 3.**Zakirullah** (DOB: 08.05.2016), 4.**Shakirullah** (DOB:01.03.2018) and 5.**Khanzeb** (DOB: 30.08.2026) mentioned in the petition on the grounds that the petitioner is the real brother of the minors at Sr.No. 1 to 4 and step brother of minor at serial No. 5 and that father of the minors has been died on 23.06.2026.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 04.09.2026, 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, Akhtar Saeed (special attorney) appeared and recorded his statement as PW-01 who produced his

power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, copy of CNIC of the petitioner as Ex.PW-1/3, Death certificate Ex.PW-1/4, death

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[Signature]

certificate of deceased Ismail as Ex.PW-1/5, FRC certificate as Ex.PW-1/6, Form-B of minors as Ex.PW-1/7 and 1/8. PW-02 is the statement of Mir Janan who produced his CNIC as Ex.PW-2/1. PW-03 is the statement of Muhammad Saleem who produced his CNIC as Ex.PW-3/1. 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 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 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 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.800,000/- (eight lacs) with two local and reliable sureties, while copy of the certificate be placed on file.

File be consigned to record room after completion and compilation.

Announced
19.10.2026


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