

Order No. 04
24.09.2026

Petitioner alongwith 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 argument already heard and record perused.

Petitioner namely Mst: Bibi Aisha widow of Shahzad Khan, R/O Qaum Sheikahn, Tappa Samozi District Orakzai has filed the instant petition for grant of Guardianship Certificate regarding her minor's children namely Bibi Hashima (Disable), Abid Ullah (Disable), Muhammad Ismail and Khalida Bibi (Disable). It has been alleged that petitioner is the widow of deceased Shahzad Khan who died on 02.06.2026. It is further alleged that petitioner is the real brother of minors/disable persons named above and the interest of petitioner and minors/disable persons are common and there is no conflict in their interest, therefore, he may be appointed as guardian of minors/disable persons 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.

Aleem Ur Rehman appeared and deposed as PW-01. Copy of his CNIC is Ex.PW-1/1. He stated that, Bibi Hashima is an adult disable person, Abid Ullah is minor and disable person, Muhammad Ismail is minor and Khalida

Bibi is also disable person. Death certificate is Ex.PW-1/2, Disable certificates of Bibi Hashima, Abid Ullah and Khalida Bibi are Ex.PW-1/3, 1/4 and Ex.PW-1/5. Family registration certificate consists of 04 pages is Ex.PW-1/6. Death certificates of father and mother of deceased are Ex.PW-1/7 & Ex.PW-1/8.

Muhammad Yousaf and Mati Ur Rehman appeared and deposed as PW-02 & PW-03 respectively. They stated that Bibi Hashima is an adult disable person, Abid Ullah is minor and disable person, Muhammad Ismail is minor and Khalida Bibi is also disable person. They further stated that they verified the statement of PW-01. Photocopy of their CNICs are Ex-PW-2/1 & Ex-PW-3/1.

1. ***"Minor" mean a person who under the provisions of the Majority Act, 1875 (9 of 1875), is to be deemed not to have attained his majority;***

2. ***"Guardian" means a person having the care of the person of a minor or of his property or of both his person and property;***

3. ***"Ward" means a minor for whose person or property or both there***

is a guardian.

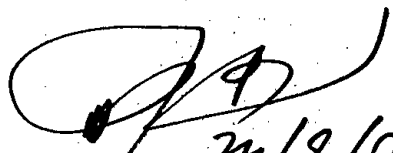
18 or above and physically disabled is major, and the mere fact of physical disability does not itself make him a "minor" under the Guardians and Ward Act.

Bibi Hashima and Khalida Bibi are adult disable person but they are above 18, therefore, cannot be treated as minors. Deaf and dumb alone does not automatically establish legal incapacity or justify treating an adult as a minor.

There is nothing on the case file to suggest that there is conflict of interest between petitioner and her minor children Abid Ullah and Muhammad Ismail, hence, the Guardianship Certificate, as prayed for, is granted in favour of petitioner 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.

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

Announced:
24.09.2026


24/9/26
(Noor Ul Haq)
Civil Judge/Guardian Judge-II,
Kalaya, Orakzai