Order No. 02
26.10.2026

Petitioner through counsel present. Record received. Arguments heard and record perused.

Brief facts of the instant application are that petitioner namely Mst: Shamida Bibi Wd/O Riqab Ali, R/O Qoum Sepoy, Tappa Mitakhan Khel, Tehsil Lower District Orakzai has filed the instant miscellaneous application for release of amount Rs. 487,620/- lying in the account of Learned Senior Civil Judge, Orakzai at Baber Mela. Per contents of application guardianship certificate issued to petitioner/guardian on 30.11.2022. (copy of guardian certificate is annexed with the application). The petitioner has purchased one cow for Rs. 500,000/- for the welfare of the minors, and the milk obtained therefrom is being utilized to meet their school expenses. No other source of income is available to support the minors and meet their educational and other essential needs. Therefore, requested that the instant miscellaneous application be allowed and petitioner be permitted to withdraw the amount of Rs. 487,620/- lying in the account of the Learned Senior Civil Judge, Orakzai at Baber Mela.

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2. This Court has considered the submissions made by learned counsel for the petitioner and examined the available record. The paramount consideration in matters concerning minors is their welfare and best interests. In this regard, Section 17 of the Guardians and Wards Act, 1890, requires the Court to consider the welfare of the minor, while Section 27 of the said Act obligates the guardian of the property of a ward to manage the same with the care and prudence that a person of ordinary prudence would exercise in managing his own property. The

Court is satisfied that, in the peculiar circumstances of the case, the requested withdrawal is intended to facilitate the proper upbringing, education and maintenance of the minors. The petitioner's stated financial constraints and the needs of the minors further support the request.

Section 27. Duties of guardian of property:

A guardian of the property of a ward is bound to deal therewith as carefully as a man of ordinary prudence would deal with it if it were his own, and, subject to the provisions of this Chapter, he may do all acts which are reasonable and proper for the realization, protection or benefit of the property.

Consequently, keeping in view the welfare and best interests of the minors, this Court finds merit in the instant miscellaneous application is hereby **allowed**. The petitioner, Mst. Shamida Bibi, is permitted to withdraw the amount of Rs. 487,620/- alongwith profit if any lying deposited in the account of the Learned Senior Civil Judge, Orakzai at Baber Mela, subject to completion of the requisite formalities. The petitioner, being the guardian of the minors, shall utilize the amount solely for their benefit, including their education, maintenance and other genuine necessities, and shall remain accountable to this Court for its proper utilization whenever so directed.

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

Announced:
26.10.2026

26/10/26.

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