

ORDER-04
08.03.2023

Petitioner along with counsel present. Ex-parte arguments heard and record gone through.

Perusal of case file reveals that the instant petition instituted by the petitioner namely **Muhammad Israr s/o Zia Din** for appointment as legal guardian for the person and properties of the minor namely **Saima d/o Zia Din**, mentioned in the petition on the grounds that the petitioner is the real elder brother of the minor.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 02.03.2023, however none turned up as legal guardian of the minor other than the petitioner. Therefore, the respondent proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Muhammad Israr recorded his statement as PW-1. Hayat Gul and Sabaz Ali Khan deposed as PW-3 and PW-3 respectively. PW-1 submitted copy of death certificate of his father as Ex.PW-1/1, copy of death certificate of mother as Ex.PW-1/2, birth certificate of minor as Ex.PW-1/3, Pension documents (20 pages) of father of the minor as Ex.PW-1/4, FRC as PW-1/5, bank statement as Ex.PW-1/7, Copy of his CNIC 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 minor and the petitioner, being a real elder brother of the minor, in the light of statements of witnesses produced by the petitioner. It is evident that minor is residing presently with the petitioner, who is looking after her. As real brother, he is most likely to take care of the welfare of the minor.

[Handwritten Signature]

08/03/2023
ZAHIR KHAN
Judge/JM
Kandahar

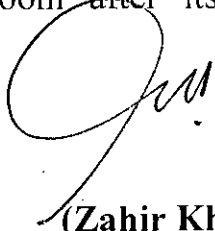
Therefore, the petition in hand is accepted under Section-07 of Guardian & Wards Act, 1890 and petitioner is appointed as guardian of the person of the above minor having generally the rights, duties and liabilities of a guardian mentioned in the Guardian & Wards Act, 1890 and subject to the following conditions especially in view of section-34 of the said Act.

- *That he will produce the minor in court as and when required by the court.*
- *That he will maintain and educate the minor in proper manner.*
- *That he will not act in prejudice to the interest of minor.*
- *That he will not be entitled to dispose of the property of minor without prior permission of the court.*

Original guardianship certificate be given to the petitioner subject to surety bonds of Rs.100,000/-(one lac) 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 compilation and completion

Announced
08/03/2023


(Zahir Khan)
Succession & Guardian Judge,
Tehsil Kalaya, Orakzai