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Petitioner along with counsel.

Inquiry notice has been returned and placed on file. As per inquiry report, Sher Bab Khan is the real uncle of minor Hayat Ullah. Publication received but none present on behalf of public at large. Hence, public at large is proceeded ex-parte.


Court fee submitted. Petitioner's evidence recorded as PW-01 to PW-03 and closed. Argument heard and case file perused.

Perusal of case file reveals that the instant petition instituted by the petitioner for appointment as legal guardian for the person and properties of the minor namely **Hayat Ullah** S/O deceased Naseeb Khan mentioned in the petition on the grounds that the petitioner is the real uncle of the minor. Mother of minor has also died and now uncle of minor namely Sher Bab Khan is taking his care.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 4th April, 2023, however none turned up as legal guardian of the minor other than the petitioner. Therefore, the respondent proceeded ex-parte. Consequently, petitioner produced ex-parte evidence.

At this stage there seems to be no clash of interest between the minor and the petitioner, being a real uncle 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 them. As real uncle, he is most likely to take care of the welfare of the minor. 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 take away the minor outside the jurisdiction of this court without prior permission.*
- *That he will not act in prejudice to the interest of minor.*

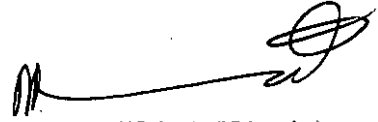

REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela

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- *That you will not be entitled to dispose of the property of minor without prior permission of the court.*

Original guardianship certificate be given to the petitioners subject to surety bonds of Rs. 200,000/- (two lacs) with two local and reliable sureties, while one be retained and placed on judicial file for record. File be consigned to the record room after its necessary compilation and completion.

Announced
29.04.2023



(Rehmat Ullah Wazir)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)

