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IN THE COURT OF MUHAMMAD AYAZ KHAN,
SENIOR CIVIL JUDGE/GUARDIAN JUDGE, ORAKZAI AT BABER MELA

Petition No: 46/5
Date of Institution: 16/12/2019
Date of Decision: 22/01/2020

GUARDIANSHIP CERTIFICATE UNDER SECTION-07 OF ACT NO. VIII OF 1890
(GUARDIAN & WARDS ACT,1890)

To,

Mst Zakiya w/o Ali Asghar, Qaum shikhan, Tappa Bazid Khel, village Tor Samat, Upper Orakzai...

(Petitioner)

VERSUS

Public at large ----- (Respondent)

ORDER

22/01/2020

Petitioner through counsel present. 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 persons and properties of the minor namely **Hasnain** son of Ali Asghar, mentioned in the petition on the grounds that the petitioner is the real mother of the minor.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 19th December 2019, 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 mother 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 mother, she 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 and property 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 she will produce the minor in court as and when required by the court.*
- *That she will maintain and educate the minor in proper manner.*
- *That she will not take away the minor outside the jurisdiction of this court without prior permission.*
- *That she will not act in prejudice to the interest of minor.*
- *That she will not be entitled to dispose of the property of minor without prior permission of the court.*

However, petitioner is required to submit before this court a surety bond of Rs. 200,000/- with 02 local and reliable sureties. Guardianship certificate shall be issued accordingly. File shall be consigned to the record room after its necessary compilation and completion.



(Muhammad Ayaz Khan)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)