

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

Petition No: 22/5
Date of Institution: 01/10/2019
Date of Decision: 29/10/2019

(2)

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

To,

Abdur Rahim s/o Syed Rahim Qaum Mala Khel, Tappa Char Khela, village Jalo, Upper Orakzai...

(Petitioner)

VERSUS

Public at large ----- (Respondent)

ORDER

29/10/2019

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 **Nahila Bibi** daughter of Syed Rahim, mentioned in the petition on the grounds that the petitioner is the real brother of the minor.

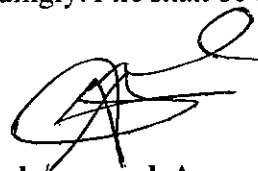
The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 11th October 2019, however none turned up as legal guardian of the minor other than the petitioner. Therefore, the respondent proceeded ex-parte. Consequently, petitioner produced ex-parte evidence.

At this stage there seems to be no clash of interest between the minor and the petitioner, being 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. 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 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.*
- *That he 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. 100,000/- 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.

Announced
29/10/2019


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