

**ORDER-05**  
05.07.2023

Special attorney of petitioners namely Naqeeb Khan present. Ex-parte arguments already heard and record gone through.

Perusal of case file reveals that the instant petition instituted by the petitioner namely **Naqeeb Khan S/O Amal Khan** for appointment as legal guardian for the person and properties of the minors namely **Sakim Ali, Kamran Ali aged about 09 years, Iqtidar Ali aged about 06 years Ss/o Amal Khan and Mst. Rinaz Begum D/o Amal Khan aged about 07 years**, mentioned in the petition on the grounds that the petitioner is the step brother of the minors and that parents of minors have been died.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 13.06.2023, however none turned up as legal guardian of the minors other than the petitioner. Therefore, the respondent proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Naqeeb Khan recorded his statement as PW-01. Gul Bat Ali and Asmeen Khan deposed as PW-02 and PW-03 respectively. PW-1 submitted copy of his CNIC as Ex.PW-1/1, copy of death certificate of his father as Ex.PW-1/2, copy of death certificate of step-mother as Ex.PW-1/3, Form "B" of minors as Ex.PW-1/4, FRC as Ex.PW-1/5. Contents of the petition were reproduced and verified by the witnesses.

At this stage there seems to be no clash of interest between the minors and the petitioner, being a step brother of the minors, in the light of statements of witnesses produced by the petitioners. It is evident that minors are residing presently with the petitioner, who is looking after them.

**ZAHIR KHAN**  
Judge/JM  
Ayaz Orakzai  
05/07/2023

As a brother, he is most likely to take care of the welfare of the minors. 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 minors namely **Kamran Ali, Iqtidar Ali and Mst. Rinaz Begum** 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.

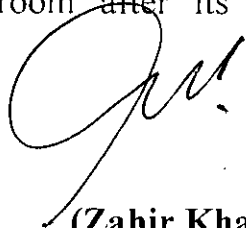
- *That he will produce the minors in court as and when required by the court.*
- *That he will maintain and educate the minors in proper manner.*
- *That he will not act in prejudice to the interest of minors.*
- *That he will not be entitled to dispose of the property of minors without prior permission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

Pertinent to mention that per Form "B" available on file shows that petitioner namely Sakim Ali has already attained the age of majority, hence, guardianship certificate cannot be issued in his respect.

Original guardianship certificate be given to the petitioner subject to surety bonds of Rs.500,000/- (five 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  
05/07/2023

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