

(OS)

ORDER-5

19.02.2021

Petitioner along with 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 person of the minor namely **Kabeer Khan (10 years)**, 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: 30<sup>th</sup> January, 2021, 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 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 him as his parents have died. 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 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. 500,000/- with 02 local and reliable sureties. Guardianship certificate shall be issued accordingly.

File be consigned to the record room after its necessary compilation and completion.

Announced

19/02/2021

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
(Farman Ullah)  
SCJ/Succession & Guardian Judge,  
Orakzai (Baber Mela)