

**ORDER-06**  
31.07.2023


Petitioner through counsel present. Ex-parte arguments already heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Fazal Janan S/O Mina Gul** for appointment as legal guardian for the person and properties of the minor namely **Mst. Kausar Meena D/O Abdul Janan aged about 16 years** mentioned in the petition on the grounds that the petitioner is the real uncle of the minor and that parents of minor have been died.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 17.07.2023, however none turned up as legal guardian of the minor other than the petitioner. Therefore, the respondent proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Fazal Janan (petitioner) recorded his statement as PW-01. Muneeb Khan deposed as PW-02. PW-1 submitted copy of death certificate of Abdul Janan as Ex.PW-1/1, smart card of minor as Ex.PW-1/2, death certificate of Mst Arab Jan as Ex.PW-1/3 and copy of his CNIC as Ex.PW-1/4. Contents of the petition were reproduced and verified by the witnesses.

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 her. As a real uncle, he is most likely to take care of the welfare of the minor. Therefore, the petition

  
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai  
31/07/2023

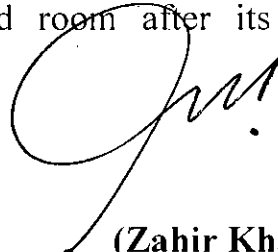
in hand is accepted under Section-07 of Guardian & Wards Act, 1890 and petitioner is appointed as guardian of the person of the minor namely **Mst. Kausar Meena** having generally the rights, duties and liabilities of a guardian mentioned in the Guardian & Wards Act, 1890 and subject to the following 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 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.*

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  
31/07/2023

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