

**ORDER-04**


04.11.2023

Petitioner along with counsel present. Publication received but none present on behalf of public at large and respondent No. 2, hence, placed and proceeded against ex-parte. Ex-parte evidence recorded and closed. Ex-parte arguments heard and record gone through.

Perusal of case file reveals that the instant petition instituted by the petitioner namely Shamshir Khan S/O Khan Habib for appointment as legal guardian for the person and properties of the minor namely Khizer Hayat S/O Khan Habib mentioned in the petition on the grounds that the petitioner is the real elder brother of the minor.

During course of recording evidence, Shamsher Khan (petitioner) recorded his statement as PW-1. Abdul Hameed deposed as PW-2. PW-1 submitted copy of his CNIC as Ex.PW-1/1, copy of death certificate of mother of minor as Ex.PW-1/2 and birth certificate of minor as Ex.PW-1/3. 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 elder 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 real brother, he is most likely to take care of the welfare of the minor.

  
04/11/2023  
**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

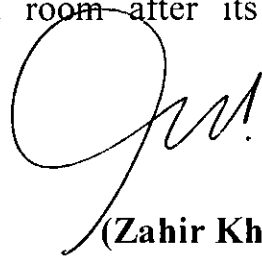
Therefore, the petition in hand is accepted under Section-07 of Guardian & Wards Act, 1890 and petitioner is appointed as guardian of the person of the above minor having generally the rights, duties and liabilities of a guardian mentioned in the Guardian & Wards Act, 1890 and subject to the following 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 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.100,000/-(one 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**  
04.11.2023

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