

ORDER-05

31.10.2023

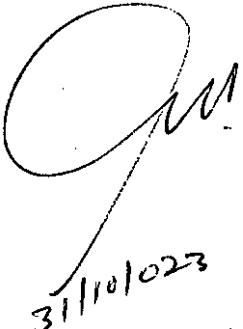
Special attorney namely Waris Khan for petitioner along with counsel present. Publication received but none present on behalf of public at large, hence, placed and proceeded against ex-parte. Ex-parte evidence recorded and closed. Ex-parte arguments heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mst. Laiq Bibi W/O Waris Khan** for appointment as legal guardian for the person and properties of the minor namely **Aman Ullah S/O Saif Ullah aged about 13 years** mentioned in the petition on the grounds that petitioner is the real mother of the minor and that real father of minor namely Saif Ullah has been died.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 28.10.2023, 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, Waris Khan (Special attorney) recorded his statement as PW-01. Muhammad Tariq and Meer Zaman deposed as PW-02 and PW-03 respectively. PW-1 submitted his special power of attorney as Ex.PW-1/1, copy of death certificates of deceased are Ex.PW-1/2 and Ex.PW-1/3, copy of CNIC of petitioner as Ex.PW-1/4, copy of his CNIC as Ex.PW-1/5 and birth certificate of minor as Ex.PW-1/6. 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 mother of the minor, in the light of


31/10/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

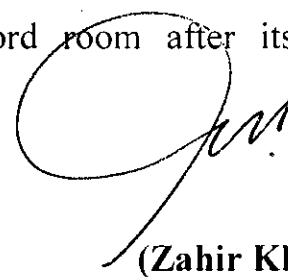
statements of witnesses produced by the petitioner. It is evident that minor is presently residing with the petitioner, who is looking after him. As a real mother, she is most likely to take care of the welfare of the minor. Therefore, the petition in hand is accepted under Section-07 of Guardian & Wards Act, 1890 and petitioner is appointed as guardian of the person of the minor namely **Aman Ullah** 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 she will produce the minor in court as and when required by the court.*
- *That she will maintain and educate the minor in proper manner.*
- *That she will not act in prejudice to the interest of minor.*
- *That she 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
31/10/2023



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