

(3)

Order -03  
23.04.2022

Petitioner present through counsel.

Inquiry report has been returned and placed on file.

Publication received but none present on behalf of public at large. Hence, public at large is proceeded ex-parte.

File be put up for ex-parte petitioner's evidence on 29.04.2022.



**Rehmat Ullah Wazir**  
Guardian Judge/SCJ  
Orakzai at Baber Mela.

ORDER-04  
29.04.2022

Petitioner present through attorney and counsel.

Power of attorney submitted in favour of Rafi Ullah.

Petitioner's evidence recorded. 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 and properties of the minor namely **Muhammad Afnan**, mentioned in the petition on the grounds that the petitioner is the real mother of the minor.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 20<sup>th</sup> April, 2022, 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 mother 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 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 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.

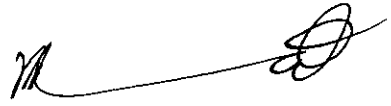
- *That she will produce the minor in court as and when required by the court.*
- *That she will maintain and educate the minor in proper manner.*

(4)

- *That she will not take away the minor outside the jurisdiction of this court without prior permission.*
- *That she will not act in prejudice to the interest of minor.*
- *That you will not be entitled to dispose of the property of minor without prior permission of the court.*

Two original guardianship certificates be prepared; one original guardianship certificate be given to the petitioner subject to surety bonds of Rs. 500,000/- (five lacs) with two local and reliable sureties, while one be retained and placed on judicial file for record. File be consigned to the record room after its necessary compilation and completion.

**Announced**  
29/04/2022

  
**(Rehmat Ullah Wazir)**  
SCJ/Succession & Guardian Judge,  
Orakzai (Baber Mela)  
RIKHTA  
Senior Judge  
Orakzai