

IN THE COURT OF ZAHIR KHAN
Civil Judge-I, Kalaya, Orakzai

Petition No.....1/2 of 2024.

Date of Institution.....04.03.2024.

Date of Decision.....11.03.2024.

ORDER-04
11.03.2024

Petitioner along with counsel present. Ex-parte evidence of petitioner recorded as PW-01 to PW-03 and closed. Arguments heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Said Malik S/O Sher Afzal** for appointment as legal guardian for the person of the minor namely **Sher Alam S/O Sher Afzal aged about 15 years** mentioned in the petition on the grounds that the petitioner is the real elder brother of the minor and that parents of minor have been died.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 08.03.2024, however none turned up as legal guardian of the minor other than the petitioner. Therefore, the respondent was proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Said Malik (petitioner/brother) recorded his statement as PW-01. Hazrat Bilal and Khan Alam (cousins of petitioner) deposed as PW-02 and PW-03 respectively. Copies of death certificates of parents of minor are Ex.PW-1/1 & Ex.PW-1/2, school



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certificate of minor is Ex.PW-1/3 and copy of CNIC of PW-01 is Ex.PW-1/4. Contents of the petition were reproduced and verified by the witnesses.

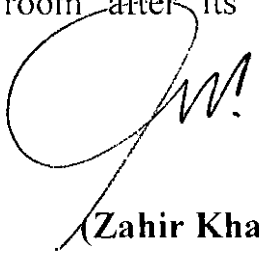
At this stage there seems to be no clash of interest between the minor and the petitioner, being a real elder brother of the minor, in the light of statements of witnesses produced by the petitioner. It is evident that minor is residing presently with the petitioner, who is looking after him. As a real elder 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 minor namely **Sher Alam S/O Sher Afzal** 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
11.03.2024


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