

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

Petition No.....4/2 of 2024.

Date of Institution.....07.05.2024.

Date of Decision.....13.05.2024.


ORDER-03
13.05.2024

Petitioner through special attorney and counsel present. Publication in daily Ausaf against respondents received and placed on file. None present on behalf of respondents, therefore, placed and proceeded against ex-parte. Ex-parte evidence of petitioner present and 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 **Mst. Maeena Jan W/O Muhammad Haider** for

appointment as legal guardian for the person of the minor namely **Musawir Ali S/O Amjid Ali aged about 12 years** mentioned in the petition on the grounds that father of the minor has died while his mother has contracted a 2nd marriage and the petitioner is the real grandmother of the minor, therefore, for opening of bank accounts etc guardianship certificate is required for the minor.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 09.05.2024, however none turned up as legal guardian of the minor other than the petitioner. Therefore, the respondents were proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai
13/05/2024

During course of recording evidence, Muhammad Haider/special attorney appeared and recorded his statement as PW-01. Amal Hassan and Tazeem Ali deposed as PW-02 and PW-03 respectively. Special power attorney is Ex.PW-1/1, copy of CNIC of PW-01 is Ex.PW-1/2, copy of death certificate of father of minor is Ex.PW-1/3, copy of CNIC of petitioner as Ex.PW-1/4, FRC is Ex.PW-1/5, birth certificate of minor is Ex.PW-1/6 and 2nd marriage certificate of mother of minor is Ex.PW-1/7. 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 grandmother 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 grandmother, 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 **Musawir Ali S/O Amjid Ali** 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.

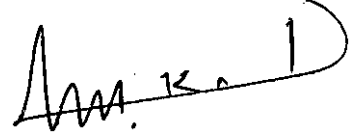
- *That she will produce the minor in court as and when required by the court.*
- *That she will maintain and educate the minor in proper manner.*
- *That she will not act in prejudice to the interest of minor.*
- *That she will not be entitled to dispose of the property of minor without prior permission of the court.*

13/05/24
ZAHIR KHAN
Civil Judge/JM
Kuala Lumpur

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
13.05.2024



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