

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

Petition No.....5/2 of 2024.

Date of Institution.....01.06.2024.

Date of Decision.....07.06.2024.

ORDER-03

07.06.2024

Son of petitioner namely Ishfaq along with counsel present. Publication in daily Ausaf against respondent received and placed on file. None present on behalf of respondent, 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. Yaqoot Jana Wd/O Riaz** for appointment as legal guardian for the person of the minors namely **Shafeeq Ali, Jasim Ali and**

Shayaz Ali Ss/O Riaz mentioned in the petition on the grounds the petitioner is the real mother of the minors and that father of minors has been died.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 04.06.2024, however none turned up as legal guardian of the minors other than the petitioner. Therefore, the respondent was proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Ishfaq/son of petitioner appeared and recorded his statement as PW-01. Sahib Nabi and Nosher Ali

M. K. I.

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deposed as PW-02 and PW-03 respectively. Copy of death certificate of father of minors is Ex.PW-1/1, copy of cancellation certificate of CNIC of father of minor/deceased is Ex.PW-1/2, copy of CNIC of petitioner is Ex.PW-1/3, form "B" of minors is Ex.PW-1/4, copy of his CNIC is Ex.PW-1/5. Contents of the petition were reproduced and verified by the witnesses.

At this stage there seems to be no clash of interest between the minors and the petitioner, being a real mother of the minors, in the light of statements of witnesses produced by the petitioner. It is evident that minors are residing presently with the petitioner, who is looking after them. As a real mother, she is most likely to take care of the welfare of the minors. 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 **Shafeeq Ali, Jasim Ali and Shayaz Ali Ss/O Riaz** 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 minors in court as and when required by the court.*
- *That she will maintain and educate the minors in proper manner.*
- *That she will not act in prejudice to the interest of minors.*
- *That she will not be entitled to dispose of the property of minors without prior permission of the court.*

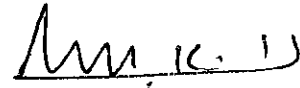
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Original guardianship certificate be given to the petitioner subject to surety bonds of Rs.1,000,000/-(ten lac) with two local and reliable sureties, while copy of the certificate be placed on file.

File be consigned to the record room after its necessary compilation and completion

Announced
07.06.2024



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