

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


Petition No.7/2 of 2024
Date of institution..... 10.07.2024
Date of decision30.07.2024

ORDER..05
30.07.2024

Petitioner along with counsel present. Publication received but none present on behalf of public at large and respondent No. 2, hence, placed and proceeded against ex-parte. Ex-parte evidence of petitioner recorded as PW-01 to PW-03 and closed. Arguments also heard and record gone through.

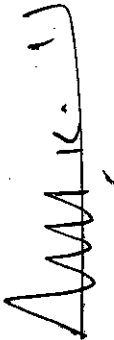
Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Muntaj Ali S/O Sahar Ali** for his appointment as legal guardian for the person of the minor namely **Sair Ali S/O Aseel Khan aged about 14/15 years** mentioned in the petition on the grounds that the petitioner is the real cousin of the minor and that father of minor has been died while mother of the minor has entered into a second marriage with another person.

The respondent/general public was summoned through publication in newspaper "Daily Ausaf" dated: 26.07.2024, 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.


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During course of recording evidence, Muntaj Ali (petitioner) appeared himself and recorded his statement as PW-01. Nik Khan Ali and Kuram Ali deposed as PW-02 & PW-03 respectively. PW-01 produced his copy of CNIC as Ex.PW-1/1, copy of death certificate of father of minor is Ex.PW-1/2 and domicile of minor as Ex.PW-1/3. PW-02 and PW-03 produced their CNICs. Copies of the same are Ex.PW-2/1 and Ex.PW-3/1. 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 cousin of the minor, in the light of statements of witnesses produced by the petitioner. It is evident that minor are residing presently with the petitioner, who is looking after him. As a real cousin, 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 **Sair Ali S/O Aseel Khan** 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.


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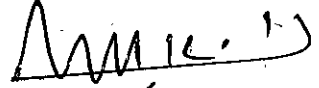
- *That he will produce the minor in court as and when required by the court.*
- *That he will maintain and educate the minor in proper manner.*
- *That he will not act in prejudice to the interest of minor.*
- *That he will not be entitled to dispose of the property of minor without prior permission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

Muntaj Ali vs Public at large etc.

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
30.07.2024



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