

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

Petition No.8/2 of 2024
Date of institution..... 20.07.2024
Date of decision03.08.2024

ORDER..05
03.08.2024

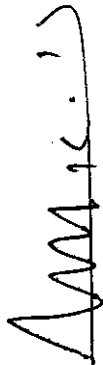
Petitioner Isaar Khan along with counsel present. Ex-parte arguments heard today and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Isaar Khan S/O Eidat Khan** for his appointment as legal guardian for the person of the minor namely **Hazrat Ullah S/O Eidat Khan aged about 12/13 years** mentioned in the petition on the grounds that the petitioner is the real brother of the minor and that parents of minor have been died on 24.12.2020 and 23.01.2023.

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 respondent was proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Isaar Khan (petitioner) appeared himself and recorded his statement as PW-01. Munawar Khan and Arif Saeed deposed as PW-02 & PW-03 respectively. PW-01 produced copy of his CNIC as Ex.PW-1/1, copy of birth registration certificate of minor is Ex.PW-1/2, copy of death certificates of parents of minor are Ex.PW-1/3 & Ex.PW-1/4 respectively. PW-02 and PW-03

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai


03/08/2024

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.

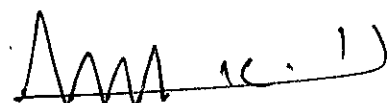
At this stage there seems to be no clash of interest between the minor and the petitioner, being a real brother of the minor, in the light of statements of witnesses produced by the petitioner. It is evident that minor is residing presently with the petitioner, who is looking after him. As a real brother,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

- *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
03.08.2024



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