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Anar Gul VS Public at Large

IN THE COURT OF IJAZ MAHSOOD
Senior Civil Judge/ Guardian Judge, Orakzai at Baber Mela

Petition No.16/2 of 2024
Date of institution..... 24.09.2024
Date of decision07.01.2025

Order No. 11
07.01.2025

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

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Mr. Anar Gul s/o Injeer Gul** for his appointment as legal guardian for the person of the specially-abled ward namely **Bakhtawar Gul s/o Injeer Gul** mentioned in the petition on the grounds that the petitioner is the real brother of the specially-abled ward and that father and mother of specially-abled ward have been died on 03.12.2003 and 07.03.2021 respectively.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 30.09.2024, however no one turned up as legal guardian of the specially-abled ward other than the petitioner. Therefore, the respondents were proceeded against ex-parte. Consequently, petitioner produced ex-parte evidence.

During course of recording evidence, Anar Gul (petitioner) appeared and recorded his statement as PW-01. Hajeed Ullah, Ihsan Ullah, children

of Anar Gul deposed as PW-02 & PW-03 respectively. Statement of

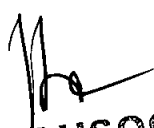
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Muhammad Hussain (Process Server) recorded as CW-01. PW-01 produced indemnity bond which is Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, copy of disability certificate of specially-abled ward as Ex.PW-1/3, copy of death certificate of the father of specially-abled ward is Ex.PW-1/4, copy of pension roll & pension slip is Ex.PW-1/5, copy of death certificate of the mother of minor is Ex.PW-1/6. Contents of the petition were reproduced and verified by the witnesses. Furthermore, statement of Chinar Gul who is brother of petitioner and specially-abled ward recorded wherein he stated that he has got no objection if the petitioner Anar Gul is declared as legal guardian of specially-abled ward namely Bakhtawar Gul. Statement of Abdul Hadi, Social Welfare Officer, District Orakzai recorded; wherein, he verified the disability certificate, issued by him to specially-abled ward.

At this stage there seems to be no clash of interest between the specially-abled ward and the petitioner, being real brother of the specially-abled ward, in the light of statements of witnesses produced by the petitioner, it is evident that specially-abled ward 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 specially-abled ward. 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 specially-


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abled ward namely **Bakhtawar Gul** having generally the rights, duties and liabilities of a guardian mentioned in the Guardian & Wards Act, 1890 and subject to the following conditions ward namely **Bakhtawar Gul** 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.

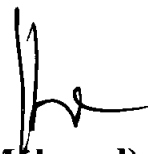
- *That he will produce the specially-abled ward in court as and when required by the court.*
- *That he will maintain and educate the specially-abled ward in proper manner.*
- *That he will not act in prejudice to the interest of specially-abled ward.*
- *That he will not be entitled to dispose of the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

Original guardianship certificate be given to the petitioner subject to surety bonds of Rs.500,000/-(five lacs) 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 completion and compilation

Announced

07.01.2025


(Ijaz Mahsood)
SCJ/ Guardian Judge,
Orakzai at Baber Mela