

(4)

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

Petition No.20/2 of 2024

Date of institution..... 31.10.2024

Date of decision25.11.2024

Order No. 04

25.11.2024

Petitioner through special attorney present. Ex-parte evidence of petitioner already 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 **Mst. Nadia Zaman Wd/O Zaman Khan** for her appointment as legal guardian for the person of the minor namely **Haris Ullah s/o Zaman Khan, aged about 09 years** mentioned in the petition on the grounds that the petitioner is the real mother of the minor and that father of minor has been died on 02.09.2024.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 05.11.2024, 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.

During course of recording evidence, Zahir Ullah (special attorney) appeared and recorded his statement as PW-01. Ghazi Muhammad and Muhammad Azeem deposed as PW-02 & PW-03 respectively. PW-01

Senior Civil Judge
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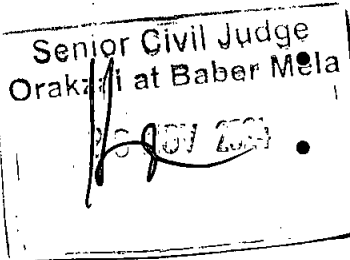
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produced special power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, copy of death certificate of father of minor as Ex.PW-1/3, copy of form "B" of minor as Ex.PW-1/4, copy of CNIC of mother of minor as Ex.PW-1/5. Contents of the petition were reproduced and verified by the witnesses.

At this stage there seems to be no clash of interest between the minor and the petitioner, being the real mother 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 mother, 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 **Haris Ullah** 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.*



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Mst. Nadia Zaman vs Public at large .

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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

25.11.2024


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