



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

Petition No.06/2 of 2025

Date of institution..... 09.05.2025

Date of decision29.05.2025


Order No. 06
29.05.2025

Petitioner along with counsel present. Ex-parte arguments already heard and record gone through.

Perusal of case file reveals that the instant petition is instituted by the petitioner namely **Muhabat Khan S/O Abdul Qayum** for his appointment as legal guardian for the person of the minor namely **Jamshid Jan** (DOB: 10.10.2009) mentioned in the petition on the grounds that the petitioner is the real uncle of the minor and that father of the minor is abroad, to this effect statement of Naib Nazar of the court is recorded and mother of the minor has been died on 25.05.2020.

The respondents/general public were summoned through publication in newspaper "Daily Ausaf" dated: 14.05.2025, 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, Muhabat Khan (petitioner) appeared and recorded his statement as PW-01. Wahid Gul and Amtali Khan deposed as PW-02 and PW-03 respectively. PW-01 produced his copy of his CNIC as Ex.PW-1/1, copy of death certificate of mother of


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minor as Ex.PW-1/2, detailed marks certificate of minor as Ex.PW-1/3, birth certificate of minor is mark-A. 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 uncle 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 uncle, 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 **Jamshid Jan** 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 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
29.05.2025


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