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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Constt. Petition No. D- 1125 of 2015.

Date of hearing
15.10.2015.

Order with signature of Judge

For Katcha Peshi.

Mr. Shakeel Ahmed Abro, Advocate for petitioners.
Mr. Abdul Hamid Bhurgri, Addl. A.G.
Mr. Mushtaq Ahmed Korejo, Standing Counsel.

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Mr. Habibullah Ghouri, Advocate files Vakalatnama on behalf of respondent No.3; taken on record.

Through instant petition, the petitioner has prayed for setting aside of impugned Order dated 29.9.2015, passed by Appellate Authority, Kamber-Shahdadkot (Local Government Election 2015), whereby he has issued directions to Returning Officer, U.C Misri Khan Chandio, Taluka Mirokhan to include the names of respondents No.3 and 4 in list of eligible contesting candidates for seat of Chairman and Vice Chairman from such union council.

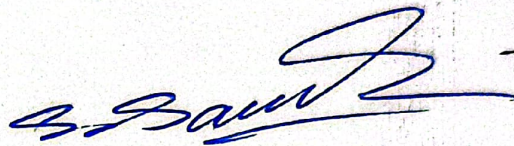
At this juncture it would be conducive to refer paragraph 2 of the impugned, which reads as under:


"I have heard parties and found that no doubt appellants have filed Nomination Form for the seat of Chairman and Vice Chairman from Union Council Misri Khan Chandio and they were supposed to deposit fee against their candidates. However, due to bonafide mistake they have deposited Rs.5000/- fee in the relevant head, which is same for all the categories of seats. In-fact appellants have deposited Rs.3000/- more than that of requisite fee in favour of Election Commission. Admittedly, appellants have deposited amount in question in the relevant head as mentioned in Sindh Local Council Election Rules, 2015, therefore, they have not committed material illegality and on such, on minor mistake, they cannot be deprived from contesting election. They are eligible to contest election for the set of Chairman and Vice Chairman from Union Council Misri Khan Chandio, Taluka Mirokhan. Resultantly, I am inclined to set-aside impugned rejection order passed by the learned Returning Officer."

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Heard learned counsel for petitioner. Perusal of impugned order coupled with record, reflects that no illegality is committed by the appellate authority. Accordingly, instant petition is dismissed.

  
Judge

  
Judge