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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P.No.D-1111 of 2015.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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FOR KATCHA PESHI.

22.10.2015.

Mr. Ahmed Hussain Khoso, advocate for the petitioner.

Messrs Asif Ali Abdul Razak Soomro and Safdar Ali Ghouri,
advocates for respondent No.5.

Mr. Mushtaque Ahmed Kourejo, Standing Counsel.

Mr. Abdul Hamid Bhurgari, Addl. A. G.

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Through instant petition, the petitioner prays as under :

- a) *That this Honourable Court may be pleased to set aside the impugned order dated 29.9.2015 passed by respondent No.4 to be illegal, unlawful, void and null in law, without any legal justification and against the law of natural justice and violation of law, and liable to be set aside in the larger interest of justice.*

Learned counsel for the petitioner has *inter alia* contended that the petitioner was defaulter of SEPCO at the time of submission of nomination form as well as he failed to submit such details in his declaration form hence impugned order passed by the appellate Authority is against the spirit of law.

In contra learned counsel for respondent No.5 contends that respondent No.5 was not defaulter of SEPCO, in fact such bill is in the name of his father, however, in order to contest election and to clear liabilities though he sole was not responsible, even then has paid such amount.

Learned D.A.G and Addl. A. G contend that impugned order is in accordance with law.

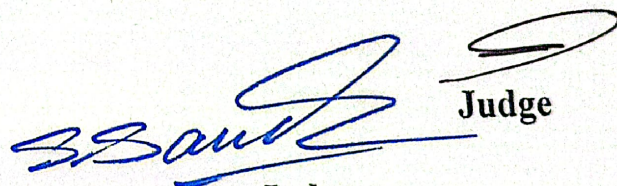
At this juncture, it would be conducive to refer relevant portion of impugned order :

"The appellant sought for rejection of nomination form of respondent No.1, merely on the pretext that; he is defaulter of SEPCO but respondent No.01 placed on record an electricity bill showing the payment of installment of Rs.75,000/- out of 2,33,213/- paid today viz 29.09.2015. In the light of foregoing circumstances, I am not convinced to the contentions made by learned counsel for the

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appellant that; respondent No.1 is a willful defaulter. Accordingly, appeal stands dismissed with no order as to costs."

Perusal of impugned order reflects that respondent No.5 paid installments of Rs.75,000/- out of Rs.2,33,213/- on 29.9.2015. We are in agreement with learned counsel for the petitioner that it was mandatory requirement at the time of scrutiny of nomination form that outstanding, if any, must be made. However, it is matter of record that outstanding amount was against father of respondent No.5 and it is also not on the record whether such notice was issued by SEPCO Authorities that such amount is liability upon respondent No.5, thus, the provision of disqualification will not come in the way of respondents No.5. Accordingly, instant petition is dismissed.


Judge

M.Y.Panhwar/**