

ORDER SHEET
HIGH COURT OF SINDH BENCH AT SUKKUR
(APPELLATE TRIBUNAL)

Election Appeal No.S-01 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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- Fresh case**
- 1. For orders on office objections.
 - 2. For orders on CMA No.947/2026 (U/A).
 - 3. For orders on CMA No.948/2026 (Ex/A).
 - 4. For hearing of main case.
 - 5. For orders on CMA No.949/2026 (S/A).

23.07.2026

Mr. Sohail Ahmed Khoso, Advocate for appellant.

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ARBAB ALI HAKRO, J– The appellant has filed the present Election Appeal under Section 63 of the Elections Act, 2017, challenging the Returning Officer’s acceptance of the nomination papers of respondent No.1. The record before this Tribunal includes the Election Programme notified by the Election Commission of Pakistan on 02.07.2026, which expressly set 20.07.2026 as the last date for filing appeals against scrutiny decisions.

- 2. Heard arguments and perused the record.
- 3. Section 63 of the Elections Act, 2017 prescribes a rigid, mandatory timeline for filing an appeal against the acceptance or rejection of nomination papers. The statutory period is not elastic, and the Tribunal has no residuary discretion to extend the limitation in election matters, given the legislative intent to ensure certainty, expedition and finality in the electoral process. The Supreme Court has consistently held that election timelines are sacrosanct and

cannot be enlarged on equitable grounds, as the entire electoral calendar is interlinked and any deviation disrupts the statutory scheme.

4. The appellant contends that the certified copy was supplied late on 20.07.2026, thereby curbing his ability to file the appeal in time. Even if that assertion is accepted at its highest, the statutory period expired on the same date, and the appeal was required to be instituted on 20.07.2026. Filing on 21.07.2026 constitutes a clear breach of the mandatory cut-off date. The Tribunal is bound by the statutory command and cannot assume jurisdiction over a time barred appeal.

5. Learned counsel for the appellant argued that the use of the word “*may*” in Section 63 of the Elections Act, 2017 confers discretion on the Tribunal to entertain an appeal even if it is instituted after the notified date. According to him, the permissive expression indicates that the appellate forum is not divested of jurisdiction to examine a delayed appeal where sufficient cause is shown, and that the statutory scheme should be construed to advance the right of appeal rather than extinguish it on technical grounds.

6. This contention is misconceived. The permissive word “*may*” does not extend the time; rather, it merely delineates the scope of the appellate jurisdiction within the statutory period. When Section 63 is read holistically, in the context of the rigid electoral calendar notified by the Election Commission, the word “*may*” cannot be stretched to create a discretion that the statute itself withholds. The Supreme Court has repeatedly held that where the legislature has prescribed a specific timeline in election matters, any interpretive

latitude is foreclosed and the appellate forum is bound to act strictly within the period so fixed. Thus, the use of a permissive verb does not dilute the mandatory nature of the limitation nor empower the Tribunal to entertain an appeal filed after the cut-off date.

7. The scheme of the Elections Act, 2017 leaves no scope for condonation of delay in matters relating to the scrutiny of nomination papers. The Tribunal's jurisdiction is strictly appellate and time-bound. Once the statutory period lapses, the right of appeal extinguishes. As the present appeal was filed after the prescribed date, it is incompetent and not entertainable.

8. In view of the foregoing, the appeal is **dismissed** in *limine* as barred by limitation, along with the pending miscellaneous application(s).

JUDGE