

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**C.P.No. D- 625 of 2022**

Date of hearing	Order with signature of Judge.
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**Fresh Case**

- 1.For orders on CMA 2446/22
- 2.For orders on office objection
- 3.For orders on CM 2447/22
- 4.For hearing of main case

**31-05-2022**

Mr. Shahriyar Shar, Advocate for the Petitioner.

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**1.** Urgency granted.

**2to4.** Through this Petition, the Petitioner has impugned Order dated 26.05.2022, passed in Election Appeal No. 22 of 2022 (**Asif Ali v. Election Commission of Pakistan & Others**) by the Appellate Tribunal, whereby the Appeal of the Petitioner against acceptance of nomination of Respondent No.7 has been dismissed. Along with this, the Petitioner has also impugned decision dated 20.05.2022, passed by the Election Commission of Pakistan, through which request for change of Electoral Roll of Respondent No.7 has been allowed.

It appears that the Respondent No.7 had earlier invoked the Constitutional jurisdiction of this Court through Constitution Petition No.D-499 of 2022 (**Jam Asif Razzaq Khan v. Election Commission of Pakistan & another**) as his vote was not being transferred despite amendment in his CNIC and notices were ordered by this Court. The Respondent No.7 was aggrieved and approached the Hon'ble Supreme Court in Civil Petition No.1454 of 2022 and on 13.05.2022 an Order was passed giving certain directions to this Court. Thereafter, on 16.05.2022, an Order was passed by this Court pursuant to the directions of the Hon'ble Supreme Court and thereafter Election Commission has acceded to the request of the Respondent No.7, and on such basis the nomination papers of Respondent No.7 has been accepted. To this the Petitioner has objected and also filed an Appeal with regard to acceptance of his

nomination papers pursuant to a new electoral roll. Such conduct on the part of the Petitioner cannot be appreciated as the change was made pursuant to the directions of this Court as well as Order passed by the Hon'ble Supreme Court, whereas, the same was done on 20.5.2022, and was never challenged until nomination papers of Respondent No.7 had been accepted. Insofar as the impugned order is concerned, the same could not have looked into this aspect as agitated by the Petitioner; in fact, the very challenge to the nomination papers of Respondent No.7 in these proceedings was unwarranted. The only remedy was to challenge the order dated 20.5.2022 passed by the Election Commission which was never done, and now after passing of the impugned order by the Appellate Tribunal, the same has been impugned along with the Appellate order. This path adopted by the Petitioner was not appropriate. Lastly, as to order dated 20.5.2022, whereby, the Electoral Roll has been changed, the same is pursuant to change of address on CNIC of Respondent No.7, and to that no exception can be drawn in this Constitutional jurisdiction, as further probe would require a factual determination. Therefore, at this stage of the Elections, the Petitioner cannot agitate the same. May be at a later stage, if Respondent No.7 is elected, an Election Petition can decide the issue, if otherwise, competent in law.

Accordingly, no case for indulgence or exercise of any discretion is made out; hence, this Petition being misconceived is hereby **dismissed** in *limine* with pending applications.

**JUDGE**

**JUDGE**

Ahmad