

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 587 of 2022

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For hearing of CMA No.2317/2022 (S/A)
2. For hearing of main case

01-06-2022

Mr. Achar Khan Gabol, Advocate for the Petitioners.
Mr. Zeeshan Haider Qureshi, Law Officer of Election Commission of Pakistan.
Mr. Muhammad Hamzo Buriro, Deputy Attorney General.
Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

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Through this Petition, the Petitioner has impugned order dated 24-05-2022 passed by the Appellate Tribunal (SLCE), Ghotki in Election Appeal No.23 of 2022, whereby the Appeal has been dismissed and rejection of nomination papers of the Petitioners has been upheld.

It appears that the nomination was rejected on the ground of some default amount of SEPCO in the name of father and grandfather of Petitioner No.2, against which statement has been filed by the Petitioners' Counsel along with clearance certificate and copies of paid bills; the same is taken on record. It further appears that in terms of Rule 18(3)(d)(ii) of the Sindh Local Councils (Elections) Rules, 2015 read with Section 62(10) of the Elections Act, 2017, the Returning Officer is not supposed to reject the nomination on the ground of any defect which is not of a substantial nature and may allow such defect to be remedied forthwith. Since the amount has been paid; whereas, even otherwise, the same was against father and grandfather of Petitioner No.2, who are not his dependents, this Petition is hereby **allowed** and the impugned order dated 24-05-2022 and the order of the Returning Officer are hereby set aside. The nomination of the Petitioners stands accepted. Let this order be communicated to the Election Commission of Pakistan.

J U D G E

J U D G E

Abdul Basit