

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-4050 of 2022

Date Order with signature of Judge

PRIORITY.

1. For hearing of CMA No.17515/2022.
2. For hearing of main case.

20.07.2022.

Mr. Farrukh Aziz Shaikh, Advocate for the Petitioner.
Mr. Saifullah, Assistant, Advocate General, Sindh alongwith M/s.
Abdullah Hanjrah and Sarmad Sarwar, Law Officers, ECP.
Mr. Abdul Wahab Balouch, DAG.

The Petitioner had apparently submitted his Nomination Paper seeking to contest the forthcoming Local Government Election from Ward No.1 of Union Committee No.03 of TMC Manghopir, Karachi, but the same was rejected by the Returning Officer on the ground that his Proposer and the Seconder were not registered as voters/electors from the relevant constituency. The Appeal filed by the Petitioner in the matter also came to be dismissed, hence resort to the Constitutional Jurisdiction of this Court under Article 199.

During the course of the arguments, it was contended that the defect in question was not substantial in nature and the Petitioner ought to have cured the same. Having considered the arguments advanced, we see no force in the matter. However, as it transpires, the issue has already been decided by a learned Division Bench of this court vide order dated 30.06.2022 in C. P. No. D-3990 of 2022 and connected matters, where with reference to the judgment of the Honourable Supreme Court of Pakistan in the case reported as ***Rana Muhammad Tajammal Hussain V/s. Rana Shaukat Mahmood (PLD 2007 Supreme Court 277)*** it was held that the defect in question is of a substantial and incurable nature, hence could not be permitted to be cured by either the Returning Officer, the Appellate Authority or this Court. That being so, the Petition stands dismissed accordingly.

JUDGE

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