

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-4104 of 2022

Alongwith

C. P. Nos. D-4106, D-4107, D-4108, D-4166 and D-4170 of 2022

Date

Order with signature of Judge

20.07.2022.

Mr. Raja Rashid Ali, Advocate for the Petitioners in all the Petitions.

Mr. Saifullah, Assistant, Advocate General, Sindh alongwith M/s. Abdullah Hanjrah and Sarmad Sarwar, Law Officers, ECP.

Mr. Abdul Wahab Balouch, DAG.

All these Petitions involve a common question regarding rejection of Nomination Papers filed by the Petitioners in respect of the forthcoming Local Government Elections to be held on 24.7.2022, hence were heard together and are being decided vide this order. The Nominations in question were rejected by the Returning Officer on the ground that either, the Proposer(s); or the Seconder(s), of the Petitioners, as the case may be, are not registered as voters in the same Electoral area or Ward from which the Petitioners are contesting. The Appeals filed by the Petitioners in C.P. No.D-4104, D-4106, D-4107, D-4108 and D-4166 also failed, whereas in C. P. No. D-4170 of 2022, the Petitioner did not apparently avail such remedy. Be that as it may, it is their case that such defect, if any, was curable, hence, the Returning Officer in each case ought to have permitted them to cure the same.

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 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 Petitions stand dismissed accordingly.

JUDGE

JUDGE

MUBASHIR