

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Suit No.2012 of 2016

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DATE

ORDER WITH SIGNATURE OF JUDGE

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1. For hearing of CMA No.17232/17.

2. For hearing of CMA No.17233/17.

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18.12.2017.

Mr. Muhammad Ali Lakhani, Advocate for Plaintiff.

Mr. Faiz Durrani, advocate for Defendant.

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1. It appears that on 10.09.2016 an order was passed, whereby, the Defendant was directed not to take any coercive action against the Plaintiff under the garb of subject enquiry. Through application listed at Serial No.1, the Plaintiff has come before this Court and has sought further relief, as according to him he has been denied participation in the Elections of the Defendant being held on 21.1.2018. Alongwith this application Letter dated 08.12.2017 has been annexed, which has been issued by the Election Committee and is addressed to the Plaintiff which states that nomination paper has been rejected as the name of the plaintiff does not appear in the valid list of voters as of 30.6.2017. Notice was ordered and Mr. Faiz Durrani, Advocate has affected appearance and requests for time to file counter affidavit. Since Elections are to be held, whereas, the list of valid candidates is to be circulated by 22.12.2017, he may file counter affidavit as deemed fit, but some orders are to be passed in view of the exigency shown on behalf of the plaintiff. Learned Counsel further submits that no coercive action has been be taken, whereas, the Election Committee is independent and they are not a party before this Court, hence the order passed by this Court is not applicable. He further submits that the action of suspension of plaintiff's membership was taken prior to filing and passing of orders in this Suit, hence no case is otherwise made out on behalf of the plaintiff.

I have heard the learned Counsel, and I am not inclined to agree with the line of argument so raised on behalf of defendant. It must be appreciated that the Elections, which are being conducted by the Election Committee pertain to Defendant's Institution and they are well aware of the order passed as above, whereby, no coercive action was to be taken and denying participation in the Election, by removing the name of the Plaintiff from the Voters List is a coercive action as reflected from Letter dated 08.12.2017. The defendant after passing of the order dated 10.9.2016, was obligated under law to remove any sort of suspension of the name of the plaintiff, if the same had any effect or amounted to a coercive action after that date. They should have sent the corrected list to the Election Committee which they have failed to do so and apparently have committed contempt of order dated 10.9.2016, as denial in participation in Elections is nothing but a coercive action.

Accordingly, the Defendant is directed to include the name of the Plaintiff in the valid Voters List and his nomination in the elections shall not be disputed or challenged on this ground. Compliance be made immediately, failing which the delinquent officials and or Committee Members as well as Members of the Election Committee shall be liable to face contempt proceedings.

2. Adjourned.

J U D G E

Avaz P.S.