

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-6338 of 2022

Date	Order with signature of Judge
FRESH CASE.	

1. For orders on Misc. No.26866/2022.
2. For orders on Office Objection No.06 & 10.
3. For orders on Misc. No.26867/2022.
4. For orders on Misc. No.26868/2022.
5. For hearing of main case.

20.10.2022.

Dr. Shahab Imam, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner is a Political Party whose Chairman contested the Bye-Election held on 16.10.2022 for the National Assembly Seat of NA-237, Malir-II, Karachi, but could not prevail as the Respondent No.6, who is said to be the candidate of the Pakistan People's Party Parliamentarian (PPPP), apparently obtained the highest number of votes as per the unofficial results. It has been alleged that the Polls were marred by corruption and illegal practice in the shape of violence and rigging, with it being prayed that the Bye-Election consequently be declared null and void and a fresh election be conducted in the constituency. Additionally, it has incongruously been sought that the Respondents Nos.2 and 3, being the Election Commission of Pakistan and Provincial Election Commission, Sindh, be directed to accept the Election Petition of the Petitioner, as per the Election Laws.

On query posed to learned Counsel as to how the instant Petition could be entertained under Article 199 of the Constitution in view of Article 225 read with the Election Act 2017, and how the Petitioner had locus standi to espouse the cause of a candidate who had himself not come forward to advance any grievance, no cogent response was forthcoming other than a reference being made to the prayer for acceptance of the Election Petition said to have been preferred under the Election Laws.

A perusal of that so-called Election Petition reveals it to be a mere Legal Notice dated 17.10.2022 addressed by Counsel to the Respondents Nos.2 and 3 on the allegation of rigging and it cannot conceivably be regarded as an Election Petition, as envisaged under the relevant Election Act, 2017, which even otherwise could only be filed by a contesting candidate and not a political party.

Under the given circumstances, we are of the view that the Petitioner lacks locus standi in the matter and the Petition is even otherwise not maintainable in view of Article 225 of the Constitution.

That being so, while granting the application for urgency, we hereby dismiss the Petition *in limine*, along with the other miscellaneous applications.

JUDGE

CHIEF JUSTICE

MUBASHIR