

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

C.P. No.D-2841 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on office objections.
2.	For hearing of M.A. No.9957/2022.
3.	For hearing of main case.

Date of hearing: 12-01-2023.

Date of decision: 12-01-2023.

Mr. Ishrat Ali Lohar, Advocate for petitioner.

Mr. Imtiaz Ali Abbasi, Advocate for respondent No.1.

Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.

Mr. Ghulam Abbas Sangi, Assistant Attorney General for Pakistan.

Mr. Zaheer Abbas, Law Officer ECP.

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ORDER

KHADIM HUSSAIN TUNIO, J.- The grievance of the petitioner is that the nomination papers of petitioner were rejected by the returning officer on the same ground on which the nomination papers of the respondent No.1 were accepted by the returning officer for contesting in Local Government Elections. The petitioner has failed to raise such contention before the returning officer concerned by filing his objections at the time of scrutiny. The petitioner has also failed to approach the Appellate Authority established under S. 18 (5) of the Sindh Local Councils (Elections) Rules 2015 to exhaust such remedy prior to approaching this Court by filing constitutional petition or review application as the case may be for setting-aside order dated 14.07.2022 passed by this Court in C.P. No. D-2517 of 2022 (*Re-Ali Hassan v. Election Commission of Pakistan and others*) which has already been disposed of by this Court. More so, the

petitioner has failed to raise such contention before this Court at the time of hearing of captioned C.P. No. D-2517 of 2022 which has been decided. Furthermore, the order has been passed by this Court in presence of the petitioner and the petitioner has filed instant constitution petition on 23.08.2022 although the impugned order was passed on 14.07.2022, as such, the instant petition is barred by Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 since the petitioner has failed to exhaust all remedies available to him under the law before directly filing the instant petition. As such, captioned petition is dismissed along-with pending application with no order as to costs.

JUDGE

JUDGE

Muhammad Danish*