

BEFORE THE ELECTION APPELLATE TRIBUNAL FOR SINDH AT SUKKUR

Election Appeal No. S-07 of 2024

Syed Amir Ali Shah Jeelani son of Syed Mehar Ali Shah
Muslim, Adult by caste Syed
R/o H. No. 01-N Ground Floor Block No.2
PECHS Karachi
Present Address Saadat House Khairpur Mir's

----- Appellant

V E R S U S

1. Assistant Commissioner/Returning Officer PS-26 Khairpur-I
2. District Election Commissioner,
District Khairpur
3. Provincial Election Commissioner of Sindh,
Having Office Pakistan Secretariat,
Block No. 44-A Shahrah-e-Iraq, Saddar Karachi
4. Election Commission of Pakistan,
Through its Secretary G 5/2 Islamabad

----- Respondents

Mr. Nazeer Ahmed Chachar, Advocate for appellant

Mr. Zeeshan Hyder, Law Officer, Election Commission of
Pakistan

Mr. Dareshani Ali Hyder 'Ada' DAG

Mr. Umair Ali Election Officer

Mr. Muhammad Ali Returning Officer PS-26 Khairpur-I

Date of hearing; 08.01.2024

Date of order; 08.01.2024

ORDER

Zulfiqar Ali Sangi J;- Through this Appeal, the appellant has challenged the impugned order dated 25.12.2023 passed by the Returning Officer PS-26 Khairpur-I whereby his nomination form was rejected on the ground that his proposer was not voter of constituency of the PS-26 Khairpur-I. As per Section 60 (1) of Election Act, 2017 any voter of constituency, may propose or second the name of any qualified person to be a candidate for member of that constituency. The appellant has not moved any application either before the Returning Officer or before this Tribunal for rectification in respect of above defect and such defect is substantial and/or not curable as is held by the Supreme Court

of Pakistan in the cases of Nadeem Shafi v. Tariq Shuja Butt and others (PLD 2016 Supreme Court 944) and Rana Muhammad Tajammal Hussain v. Raja Shoukat Mehmood (PLD 2007 Supreme Court 277). In view of the above, the fails and is hereby dismissed.

J U D G E