

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
 Election Appeal No.S-01 of 2022

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Date	Order with signature of Judge
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Appellants No.1 & 2:	Bahram and another through Mr. Alam Sher Bozdar, Advocate
Respondents:	Election Commission of Pakistan through Zeeshan Hyder Qureshi, advocate
Federation:	Through Mr. Dareshani Ali Haider 'Ada', DAG
Province of Sindh:	Through Mr. Mehboob Ali Wassan, AAG
Date of hearing:	28.08.2023
Date of Order:	28.08.2023

**ORDER**

**ARBAB ALI HAKRO, J:** Through this Election Appeal, Appellants have impugned the order dated 12.10.2022, passed by learned District Judge/ Election Tribunal (SLCE), Ghotki, in Election Petition No.06 of 2022, whereby Election Petition filed under Rule 60(1) Sindh Local Council Election Rules, 2015, was dismissed not on merits; however, solely on the ground that the requisite fee of challan Rs.2000/- has not been annexed with the election petition.

2. The record reveals that through that election petition, the petitioners have challenged the order dated 26.06.2022, passed by the Returning Officer, Union Council No.39, Hayat Pitafi, Taluka Mirpur Mathelo, whereby Respondents No.1 & 2 were declared returned/ successful candidates.

3. I have heard the learned Counsel for the parties and have perused the record, which reflects that the original copy of challan under Form 32-A (E-Stamping) is available on page 5 of R&Ps of Election Petition, which was confronted to learned DAG and Law Officer, Election Commission of

Pakistan as well as learned AAG, who have conceded such factor.

4. It appears that the learned Election Tribunal misread the record and erroneously held that the requisite challan dated 23.09.2022 of Rs.2000/- has not been annexed with the said election petition, and such observation of Election Tribunal is contrary and against the record. Consequently, this Election Appeal is allowed, and the impugned order dated 12.10.2022 is set aside. The case is remanded to the Election Tribunal (SLCE) to decide on merits after issuance of prior notices to the Counsels for the parties. Office to return R&Ps to learned Election Tribunal, enabling it to proceed.

JUDGE

Faisal Mumtaz/PS

JUDGE