

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. **D – 726** of 2024

Date	Order with signature of Judge
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For orders as to maintainability
Of instant petition.

19.02.2024:

Mr. Muhammad Ali Lakhani, advocate for the petitioner
a/w. Mujtaba Sohail Raja, advocate.

Mr. Tariq Ahmed Memon, advocate for respondent.

Mr. Saifullah, AAG.

Mr. Khaleeq Ahmed, DAG.

Pursuant to Court Notice, Mr. Tariq Ahmed Memon, advocate has shown appearance, files vakalatnama on behalf of respondent No.2 alongwith copies of Special Power of Attorney and Counter-Affidavit, which is taken on record, whereas, copy of counter-affidavit Notification has been supplied to learned counsel for the petitioner, who submits that though the respondent has filed counter-affidavit wherein, the assertion made by the petitioner has been disputed, however, submits that petitioner will be satisfied, if the Returning Officer may be decided the fate of the application dated 31.01.2024 filed by the petitioner under Section 104 of Elections Act, 2017, copy of which is available at Page: 25 – 27 as Annexure P/4-A of instant petition.

Learned Assistant Advocate General has placed on record copy of Revised Election Program vide Notification No. F.2(3)/2023-Coorddated 22.12.2023 issued by the Election Commission of Pakistan, according to which, the last date for withdrawal of candidature and publication of the revised list of candidates in respect of reserved seats for women and non-Muslim in the National Assembly and

the Provincial Assemblies was 12.01.2024, whereas, the subject application has been filed after such cut of date, which according to learned Assistant Advocate General is otherwise misconceived, whereas, respondent No.2 has alleged withdrawal of his nomination.

While confronted with hereinabove factual position, learned counsel for the petitioner submits that in eventually, the Election Commission of Pakistan is under legal obligation to decide the fate of any application filed by any candidate in accordance with law.

Accordingly, instant petition stands disposed of with the directions to the petitioner to approach the concerned Returning Officer with similar request, who may decide the fate of the aforesaid application, after hearing all the concerned, in accordance with law.

Instant petition stands disposed of in the above terms alongwith all pending application(s).

CHIEF JUSTICE

JUDGE

A.S.