

22

IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.D-157 of 2024

*Ameer Gul Khan.....v.....Chief Election Commissioner
& others*

Date Order with Signature of Judge

PRESENT:

MR. JUSTICE AQEEL AHMED ABBASI, CJ

MR. JUSTICE ABDUL MOBEEN LAKHO, J

15-01-2024.

Mr.Amir Nawaz Warraich, Advocate for the Petitioner.

Mr.Saifullah, A.A.G.

Mr.Irshad Ali, Assistant Attorney General.

Mr.Abdullah Hanjrah, Deputy Director (Law), and Mr.Sarmad Sarwar, Assistant Director (Law), E.C.P. are present in person.

Mr.Sanaullah Kalwar, Returning Officer PS-97 is present in person.

Muhammad Shah Khan Proposer and Asal Khan Secondar of the petitioner are present in person.

ORDER

Through instant petition, the petitioner has impugned the order dated 26.12.2026 passed by Retuning Officer as well as order passed by learned Election Appellate Tribunal dated 09.01.2024, whereby, according to learned counsel for the petitioner, on technical grounds and without providing opportunity to the petitioner to rectify the defects on the nomination Form under Section 62(9)(ii) of the Elections Act, 2017, the nomination papers has not been acknowledged. Per learned counsel for the petitioner, the proposer and secondar of the petitioner are from the same constituency and due to inadvertent and paucity of time they could not make their signatures on the nomination Form, however, they were present along with petitioner and their CNICs on the date of scrutiny to remove such deficiency but the proposer and secondar were not allowed to put their signatures on the nomination Form.

Pursuant to Court's notice Mr. Abdullah Hanjrah, Deputy Director (Law), and Mr. Sanaullah Kalwar, Returning Officer PS-97 are present in Court, but they could not submit any reasonable explanation, as to why the defects mentioned in the nomination Form has not been allowed to be rectified by the proposer and secondar, who are also present in Court have candidly submit that they are proposer and secondar of the petitioner and they were also present on the date of signatures but they were not allowed by the Returning Officer to make such defects removed. Learned A.A.G. and learned Assistant Attorney General also candidly referred to the provisions of Section 62(9)(ii) of the Elections Act, 2017, and submit that aforesaid defects could have been removed under the provisions of law.

In view of the above facts and circumstances of the case, the impugned order is set-aside and the matter is remanded back to the Returning Officer PS-97, who shall allow the proposer and secondar to verify their signatures and shall pass appropriate order with regard to nomination Form of the petitioner within 03 days.

The petition is disposed of in the above terms.

Chief Justice

Judge

nasir