

**ORDER SHEET  
BEFORE THE ELECTION TRIBUNAL  
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Election Petition No.S-08 of 2024  
*(Muhammad Rafique Banbhan v. Ahsan Ali & others)*

Mr. Abdul Qadir Bhatti, Advocate for petitioner.  
Mr. Dareshani Ali Haider 'Ada', D.A.G for Pakistan.  
Mr. Ali Raza Baloch, Assistant A.G Sindh.  
Mr. Zeeshan Haider Qureshi, Assistant Director, ECP.

Date of hearing: **24.05.2024**

Date of decision: **24.05.2024**

**ORDER**

**MUHAMMAD IQBAL KALHORO, J:-** When this petition was taken up first time on 26.04.2024, the Order 'Advocate to be heard' was passed due to some apparent deficiencies in violation of sections 143(3) and 144(4) of the Election Act, 2017 etc. and failure of the petitioner to verify each and every annexures attached with the petition, besides, providing copies to all respondents in advance, as required.

**2.** Subsequently, on 10.05.2024, learned D.A.G for Pakistan and learned AAG-Sindh were directed to assist the Court on the point as above. Today, I have heard parties and perused material available on record. It is apparent that petitioner, by leaving aforesaid lacunas to be fulfilled mandatorily, has failed to comply with the requirements of aforesaid provisions of law. Sections 143(3) and 144(4) of the Election Act, 2017, for the sake of convenience are reproduced as under:-

**Section 143(3) of Elections Act, 2017**

***"143. Parties to the petition.— (1) .....***

*(2) .....*

*(3) The petitioner shall serve a copy of the election petition with all annexures on each respondent, personally or by registered post or courier service, before or at the time of filing the election petition.*

**Section 144(4) of Elections Act, 2017**

***"144. Contents of petition.— (1) .....***

*(2) .....*

*(3) .....*

*(4) An election petition and its annexures shall be signed by the petitioner and the petition shall be verified in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908) for the verification of pleadings.”*

3. Learned AAG has in his arguments relied upon the case law reported as *Sardar Abdul Rehman v. Abdul Kareem Khetran & others (2021 SCMR 82)*, in which the Supreme Court has been pleased to laid down the following ratio:

*“We have noticed that the respondent assigned the responsibility for institution as well as prosecution of the election petition to his confidant Sanaullah, designated as attorney; he is the person who appears to have not only presented the election petition but also verified contents as well as annexures thereof as required under section 144(4) of the Act. While Order VI, Rules 14 and 15 of the Code generously permit the parties to sign pleadings or verification either personally or through their designated attorneys, section 144(4) ibid mandatorily restricts the petitioner to personally undertake the exercise, violation whereof, would inevitably result into summary rejection of the petition as is evident from the plain language of subsection (1) of section 148 of the Act ibid. It was incumbent upon the petitioner to follow the procedure expressly provided by the Act itself; admittedly not followed by him. The same anomaly is recurring in all the annexures without exception”.*

4. The effect of failure to comply with the requirements as provided under sections 143 & 144, is stipulated under section 145 of the Election Act, which is reproduced as under:

**“145. Procedure before the Election Tribunal.—(1) If any provision of section 142, 143 or 144 has not been complied with, the Election Tribunal shall summarily reject the election petition”.**

5. Learned counsel for petitioner has failed to justify failure of the petitioner in regard to verification each and every annexures attached with the petition as required under Order VI Rules 14 & 15 of Civil Procedure Code and his failure to provide copies to all respondents in advance including learned counsel for Election Commission of Pakistan, learned D.A.G for Pakistan and learned AAG-Sindh.

6. In view of the above, this petition appears to be hit by the aforementioned provisions of law and is liable to be dismissed summarily in *limine*. Accordingly, this petition is **dismissed**.

**J U D G E**

Ahmad