

IN THE HIGH COURT OF SINDH, AT KARACHI
C.P. No. D-314 of 2024

PRESENT:

**MR. JUSTICE AQEEL AHMED ABBASI,
CHIEF JUSTICE;
MR. JUSTICE ABDUL MOBEEN LAKHO**

*Ali Gohar.....V/s.....Chief Election Commissioner
& others*

Date of hearing 22.01.2024

Mr.Waseemuddin A. Shaikh, Advocate for the Petitioner.

ORDER

Abdul Mobeen Lakho, J: The Petitioner is aggrieved by the order dated 09.01.2024, passed by the learned Election Appellate Tribunal in Election Appeal No.185 of 2024, whereby, the order dated 30.12.2023 passed by the Returning Officer PS-45, Mirpurkhas-I accepting the nomination papers of the Respondent No.4 was upheld.

2. Learned counsel for the petitioner argued that the petitioner, being objector, filed aforesaid Election Appeal No.185/2024 against the acceptance of nomination papers of the Respondent No.4 on the ground that the Respondent No.4 has concealed and suppressed the actual facts in his nomination papers, as he is involved in number of criminal cases, therefore, prayed that the impugned order dated 09.01.2024 as well as order passed by Returning Officer PS-45 Mirpurkhas-I are liable to be set-aside, resulting which the nomination papers of the Respondent No.4 are to be rejected.

3. At the very outset, learned counsel for the petitioner was asked whether the petitioner availed the opportunity of filing objections before

the concerned Returning Officer within time. In response, the learned counsel for the petitioner has admitted that the objections raised by the petitioner in the instant petition has not been raised before the Returning Officer at the time of scrutiny, however, he submits that the Respondent No.4 is a habitual criminal and is also absconder in various cases.

4. The petitioner has attached the copy of order dated 30.12.2024 passed by Returning Officer PS-45, Mirpurkhas-I (available at page-71 of the Court file), in which only one word “Accepted” has been written that means that no objection were raised on the nomination papers of the Respondent No.4, therefore, raising objections through filing Election Appeal without first availing the opportunity before Returning Officer is not sustainable under the law and it is only an attempt to hamper the process of elections. By not availing the opportunity of filing objections before the Returning Officer the petitioner may not be permitted to disfranchise the Respondent No.4 from contesting elections by filing instant petition. In view of the above, we are of the opinion that the learned Election Appellate Tribunal has rightly dismissed the appeal of the petitioner.

5. We vide our short order dated 22.01.2024 had dismissed this petition in limine and above are the reasons thereof.

J U D G E

CHIEF JUSTICE

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