

## ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constt: Pett: No.D- 922 of 2016.

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Date	Order with signature of Judge.
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- 1.For orders on office objection as flag A.
- 2.For orders on M.A No.4226/2016.
- 3.For katcha peshi.
- 4.For order on M.A No.4227/2016.

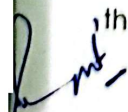
24.8.2016.

Mr. Shahryar Mahar, advocate for the petitioner.

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1. Noted.
- 2.Granted.

3&4. It is *inter alia* contended by the learned counsel that respondent No.5 namely Ghulam Mustafa Sethar filed the nomination papers for the reserve seat of Member (Labour) from Town Committee, Chak, Taluka Lakhi, District Shikarpur as candidate of PML(F) for which the petitioner filed objections but the same were overlooked by the respondent No.3 and nomination papers were accepted by him. Thereafter, the petitioner preferred the appeal in terms of sub-rule (5) of Rule 18 of Sindh Local Councils (Election) Rules, 2015 before the learned District and Sessions Judge/Appellate Authority for Local Government Election 2015, Shikarpur who vide order dated 14.5.2016 without appreciating the contentions raised in the memo of appeal, dismissed the same and against said order of Appellate Authority, the petitioner maintained the Constitutional Petition No.D-576 of 2016 before this Court which was dismissed vide order dated 22.6.2016 on the point of jurisdiction and; thereafter, the petitioner approached the Election Tribunal by filing Election Appeal No.24 of 2016 on 18.8.2016 under Rule 60 of the Sindh Local councils (Election) Rules, 2015 which is still pending adjudication as no final order has been passed till date. Learned counsel also submits that grievance of the petitioner at this stage is that election process is going to be completed today and in such case



the remedy already availed by the petitioner by filing Election Appeal shall become of no avail.

At the very outset, learned counsel was put on notice to satisfy this Court as to how this petition is maintainable in view of the fact that the petitioner has already availed the remedy available to him under the Statute and the petitioner can-not sail simultaneously in two boats. On that, learned counsel submits that he <sup>-would-</sup> be satisfied and will not press this petition further if necessary directions are given to the learned Election Tribunal to decide the Election Appeal No.24/2016, filed by the petitioner, which is fixed on 27.8.2016, within a period of two weeks.

In view of above submission of learned counsel for the petitioner, this petition is disposed of directing the learned Election Tribunal to decide the aforementioned appeal of the petitioner in accordance with law, expeditiously and preferably within a period of three weeks.

  
JUDGE

  
JUDGE