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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Constt. Petition No. D- 1142 of 2015.

Date of hearing	Order with signature of Judge
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22.10.2015.

Mr. Asif Ali Abdul Razzak Soomro, Advocate for petitioner.  
Mr. Munawar Ali Abbasi, Asstt. A.G.  
Mr. Mushtaq Ahmed Korejo, Standing Counsel.

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Through instant petition, petitioner has prayed that impugned Order dated 29.9.2015 passed by the respondent No.2/ Election Appellate Authority may be set-aside and order of respondent No.1 of accepting Nomination Form of the petitioner may be restored allowing him to contest the ensuring elections.

Learned counsel for the petitioner, *inter-alia*, contended that petitioner was not willful defaulter; he was not declared insolvent by the Court, hence order passed by the appellate authority is against the settled law of equity; whereas learned A.A.G. and Standing Counsel contended that impugned order is in accordance with law and within the spirit of definition of disqualification.

At the outset it would be conducive to refer the relevant portion of impugned order.

“The appellant sought for rejection of nomination form of respondent No.1, merely on the pretext that; he is defaulter of Zarai Tarqati Bank Limited Thull Branch fro an amount of Rs.8,87,698/- in a loan case bearing No. L.C 162284, vide letter No. 16.09.2015, issued by Manager, Zarai Tarqati Bank Limited Thull Branch, therefore, I am convinced to the contentions made by learned counsel for the appellant that under Section 36 (b) of Sindh Local Government Rules, 2013, the respondent No.1 dis-qualified, as he is a un-discharge insolvent, besides, it is worthwhile to mention that; before passing the order, a chance was accorded to the respondent No.1 to pay the amount outstanding against him, but he submits that; at the moment he is not in a position to pay the amount. In the light of fore-going

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circumstances, appeal stands allowed with no order as to costs and nomination form of respondent No.1 stands rejected." 3

Since petitioner is defaulter of Zarai Taraqati Bank, which fact is not disputed. With regard to plea of learned counsel for the petitioner that petitioner is not willful defaulter, suffice it to say that qualification of candidate provides that at the time of submission of nomination form he shall not be defaulter for the period of six months, but in the case of petitioner situation is otherwise. Besides, learned counsel for petitioner has failed to point out any illegality committed by the appellate authority, hence such order is not required to be interfered under constitutional jurisdiction.

These are detailed reasons for our short order dated 22.10.2015, whereby the instant petition was dismissed.



Judge

Judge