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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.D-491 of 2022

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
08.06.2022.	

1. For orders on office objection.
2. For hearing of Main Case.

Mr. Athar Abbas Solangi, advocate for the petitioner.

Mr. Abdul Hamid Bhurgri, Addl. A.G.

Mr. Mohammad Imran Abbasi, Asst. Attorney General.

Mr. Abid Hussain Qadri, advocate for respondents No.6 & 7.

This petition has been filed in respect to the election matter of Local Government 2022, wherein the petitioner is a candidate as well as objector to the nomination paper of respondents No.6 and 7, and the order dated 26.5.2022, as passed by the learned appellate authority/District & Sessions Judge, Kashmore at Kandhkot in Election Appeal NO.20/2022 has been impugned. The grounds taken in the appeal are that the respondent No.6 has failed to show his presence and not being physically present before the Returning Officer at the time of filing of his nomination papers not being available. The objection on part of the petitioner was not rightly entertained.

Learned Counsel for the petitioner in the matter has relied upon Rule 16(3)(a) of Sindh Local Councils (Election) Rules, 2015, which is as follows:-

"16. Nomination for elections. (1) *The Returning Officer shall, as soon as may be after the publication of the election programme under sub-rule (2) of rule 12, give a public notice in Form-I inviting nominations and specifying the time before which and the place at which, the nomination papers shall be received by the Returning Officer.*

(2)

(3) *Every proposal shall be made by a separate nomination paper in Form-II(English or Urdu or Sindhi), Form-III, Form III(A) and Form-III(B), which shall be signed by the proposer and the seconder and shall contain-*

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(a) a declaration signed by the candidate that he has consented to the nomination and that he is not subject to any disqualification for being elected as a member; and"

Learned Counsel states that the above rule requires the actual signature of the candidate and a simple acceptance on part of the candidate will not be sufficient to entitle entertainment of his nomination papers.

Although notices were issued in this matter, we have preferred to hear the learned Counsel for the petitioner only, but we find ourselves unconvinced on account of the above-referred rule only requiring signatures and not personal presence of the candidate. We would not like to go into the details of personal presence and signatures being made on part of the candidate himself, but restricting ourselves to the element of not requiring by the mandate referred above. The impugned order not found open to disturbance as such the petition stands dismissed accordingly.


JUDGE


JUDGE