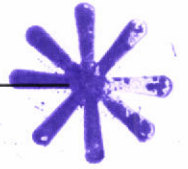




ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

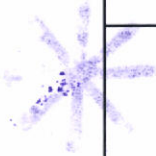
C.P NO. D- 6711 OF 20 15



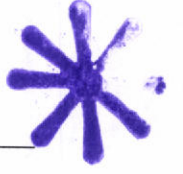
Date	Order with signature of Judge.
	<p style="text-align: center;"><u>FRESH CASE</u></p> <ol style="list-style-type: none">1. For order on misc no. 33579 /2015 (U/App)2. For order on misc no. 33580/2015 (Exp/App)3. For hearing of Main Case. <p style="text-align: center;">29.10.2015</p> <p style="text-align: center;">Mr. Asfendiyar K. Khawal, adv.</p> <ol style="list-style-type: none">1. Granted2. Granted subject to all just exceptions.3. Notice to Election Commission as well as to AG-Sindh for 3.11.2015 at 11:30 am. <p style="text-align: right;"> Chief Justice</p> <p style="text-align: right;"> Judge</p> <p style="text-align: center;"><u>AG of case</u></p>

1 - For AG of main case
(attached and)

Date	Order with signature of Judge.



ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. NO.D- 6711/2015



Date _____ Order with signature of Judge _____

FOR HEARING OF MAIN CASE

03.11.2015

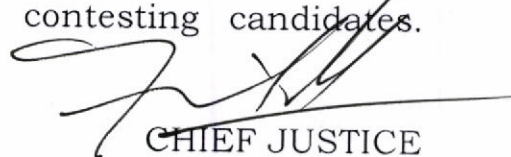
Mr. Asfandyar K. Kharal advocate for petitioner
Mr. Saifullah AAG

The petitioner was contesting elections as Vice Chairman of Union Council Juna, No.9, Taluka Thatta alongwith the respondent No.3 who was contesting election as Chairman from the said constituency but subsequently the respondent No.3 withdrew his nomination papers with the result the candidate from other side was declared to have returned un-opposed.

Learned AAG states that once a candidate is declared to have returned un-opposed then it can only be changed in Election petition under Section 46 of the Sindh Local Government Act, 2013.

The case of the petitioner is that he filed nomination papers alongwith respondent No.3 who without his consent withdrew with the result that the Returning Officer issued notice that other panel has returned un-opposed. This issue of withdrawal of nomination papers by one of the members of a panel has already been decided by this Court on the basis of proviso to Sub-Rule (2) of Rule 20 of Sindh Local Councils (Election) Rules, 2013. Hence the impugned decision is reversed and this petition is allowed and names of the petitioner and respondent No.3 shall be listed as contesting candidates.


JUDGE


CHIEF JUSTICE

