

ELECTION TRIBUNAL
HIGH COURT OF SINDH, KARACHI

Election Petition No. 25 of 2024

[Usman Ghani v. Election Commission of Pakistan & others]

Petitioner : Usman Ghani son of Yaqoob Hingoro through Mr. Tassaduq Nadeem, Advocate.

Respondents 1(i)-(ii) : Election Commission of Pakistan and another through Mr. Abdullah Hanjrah, Deputy Director (Law) ECP, Karachi.

Respondent 3 : Sajjad Ali son of Younus [**Returned Candidate**] through Mr. Ali Tahir, Advocate.

Respondents 2, 4-20 : Nemo.

Date of hearing : 14-10-2025

Date of order : 14-10-2025

ORDER

Adnan Iqbal Chaudhry J. -By CMA No. 1970/2025, Respondent No.3 (returned candidate) prays for rejection of petition under section 145(1) of the Election Act, 2017 [**Act**].

2. Learned counsel for Respondent No.3 confines himself to the ground that the affidavit of service filed with the petition under section 144(2)(c) of the Act was sworn on 30.03.2024 stating that copies had been sent to Respondents, whereas courier receipts annexed thereto show that copies were in fact dispatched to Respondents thereafter on 01.04.2024. He relies on the case of *Inayatullah v. Khursheed Ahmed Shah* (2014 SCMR 1477) to submit that where affidavit of service is belied by courier receipts, the petition is to be rejected.

3. Learned counsel for Petitioner accepts that copies of the petition were dispatched to Respondents after swearing the affidavit of service, however, he points out that the affidavit of service was not

presented to the Tribunal the same day, rather it was presented along with the petition on 01.04.2024 only after dispatching copies to the Respondents.

4. Heard learned counsel and perused the record. Though copies of the petition had not been dispatched to Respondents when the affidavit of service was sworn on 30.03.2024, that affidavit of service was only used/filed when the petition was presented on 01.04.2024 and after copies had been dispatched. It appears that the affidavit of service was inadvertently sworn beforehand only to make ready for presenting the petition. A false statement was not intended. The facts in the case of *Inayatullah* were different. There, copies of the petition were sent via courier after filing the petition.

5. The requirement of section 143(3) of the Act is to “serve a copy of the election petition with all annexures on each respondent, personally or by registered post or courier service, before or at the time of filing the election petition.” As observed by this Tribunal in the case of *Faheem Khan v. Muhammad Moin Aamer Pirzada* (order dated 10.10.2024 in E.P. No. 13/2024), while section 143(3) requires the petitioner to ‘serve’ those documents on the respondents, from section 144(2)(c) it appears that it would suffice to show that those documents ‘have been sent’ to the respondents. There is clearly an overlap between said provisions and therefore those must be read together.

6. For the foregoing reasons, the objection taken fails. CMA No. 1970/2025 is dismissed.

SHABAN

JUDGE