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ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P. No.D-500 of 2022.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For hearing of M.A.No.1745/2022.
3. For hearing of main case.

08.06.2022.

Mr. Muhammad Afzal Jagirani, advocate for the petitioner.

Mr. Safdar Ali Ghouri, advocate for respondent No.1.

Mr. Muhammad Imran Abbasi, D. A. G.

Mr. Abdul Hamid Bhurgri & Miss Leela Kalapna, Addl. A. G
Sindh.

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This petition has been filed in respect of Local Bodies Election 2022, wherein the petitioner is one of the candidates in respect of Member, Ward No.2, Union Council-05 ,Town, Municipal Committee Dari, Larkana, wherein his nomination papers were rejected in the first round; however, the said matter was remanded by the appellate forum through Election Appeal No.19 of 2022, whereby the allegation against him as to holding of the assets was to be considered by the Returning Officer and thereafter on 27th May, 2022, the impugned order was passed, which stands challenged in this petition.

Learned counsel for the petitioner in the matter contends that the petitioner was shown to be the owner of 05 motorcycles, out of which at the time of filing of nomination papers, he was not owning any one of them and the 03 receipts available with him were shown, whereas, 02 receipts for which no reasonable time was granted was made the basis of passing of the impugned order. Learned Addl. A. G relies upon the proceedings as already present on record, whereas learned counsel for the respondent No.1, states that the receipts has

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now been brought up in respect of the 02 motorcycles which were not accounted for before the learned Returning Officer cannot be relied upon on account of their serial numbers.

Having heard learned counsel and gone through the record with their able assistance. Although the serial number to the receipts have been objected too but considering the same to be of different books the same is not found entertainable. It is also observed by us that the dispute is in respect of 02 motorcycles, one being of 125 CC and the other of 70 CC, whereas the allegation against the petitioner was that he was owning the said motorcycles considering the value thereof, the same is not found entertainable as no provision under the Motor Registration Act requiring seller to acquire an acknowledgment of sale. As such we find the impugned order not sustainable in the eyes of law and set aside the same and in the circumstances allow the nomination papers of the petitioner for the candidacy applied for being the only objection as taken in the matter. As such the petition stood allowed by our short order dated.08.06.2022 and these are the reasons of the same.


Judge


Judge