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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Election Appeal No.S-37 of 2024.

DATE

ORDER WITH SIGNATURE OF JUDGE

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

Mr. Javed Ahmed Buledi, advocate for the appellant.
Mr. Abdul Hamid Bhurgri, Addl. A.G assisted by Mr. Abdul Waris Bhutto,
Asst. A.G.

Mr. Ghulam Asghar Khichi, Deputy Attorney General along with Shafquat
Rasool Narejo, Assistant Director Law, Election Commission, Larkana
Division.

Date of hearing : 08.01.2024.
Date of decision : 08.01.2024.

ORDER.

Through this appeal, filed under Section 63 of the Election Act, 2017, appellant Mubeen Magsi has challenged the order dated 30.12.2023 passed by respondent No.1/Returning Officer NA-196, Shahdadkot-I whereby his nomination was rejected by the Returning Officer NA-196 Shahdadkot/respondent No.1.

2. Claim of the appellant is that he resides separately and independently and has no relevancy with the property or affairs being owned by his family/elders including his father. His nomination paper has been rejected by the Returning Officer solely on the ground that the SEPCO authorities have shown dues against him. His contention is that the dues shown by SEPCO are in the name of his father and brother, therefore, he is not liable to pay arrears or liabilities lying at the shoulders of his elders. He, however, is not in a position to satisfy the Court whether the appellant is filer and has his own business or the source of income through which it could be deduced or believed that he has been maintaining income alone. In such eventuality, when no concrete material

or evidence has been brought on record to believe that the appellant is independent having his own source of income, he cannot be permitted to contest the election, more particularly when liabilities have been shown against him as well as his family. The law officers present are rightly objecting and supporting the impugned order.

Since the appellant has not satisfied the Court with regard to SEPCO arrears shown against him and he has also failed to justify his source of income being independent person, particularly in these hard days when rates of everything have touched to sky. Accordingly and in view of above, instant petition being without merit is hereby dismissed.

JUDGE