

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6559 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 32905/2015.
2. For hearing of Main Case.

28.10.2015

Mr. Shuja Abbas, advocate for the petitioners.
Mr. G.N. Qureshi, advocate for Respondent No. 5.
Mr. Mukesh Kumar Karara, Addl: A.G.
Mr. Abdullah Hanjrah, Law Officer, Election Commission.
Syed Rashid Hussain, Dy. Election Commissioner.

The nomination papers of the petitioners were rejected on the ground that petitioner No. 1 is in service as Junior Clerk with T.M.A. Jati and in support, documents of the year 2010 have been produced. We have been informed that a constitutional petition bearing C.P. No. D-734/2010 was filed by the petitioner seeking employment. At this stage it was not appropriate to reject the nomination papers of the petitioner.

In the circumstances, we allow the petition. The order of the Appellate Authority is hereby reversed. The nomination papers of the petitioner No. 1 shall be deemed to have been accepted. However, after the election, if the petitioner succeeds and on factual aspect his candidature is challenged on the ground that he is in the employment of government; a fresh proceedings can be filed against him.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6370 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 32183/2015.
2. For hearing of Main Case.

28.10.2015

Syed Mureed Ali Shah, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Learned Adll: A.G. seems one week's time to enable him to file para-wise comments. Time, as requested, is granted. Learned Adll: A.G. shall also provide information regarding population ratio of the three constituencies, subject matter of this petition, before the next date of hearing.

Adjourned to 06.11.2015.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-4538 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

For hearing of Main Case.

28.10.2015

Mr. S.M. Shuja Abbas, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Representatives of the Election Commission seek copy of the petition alongwith its annexures. Learned counsel for the petitioner undertakes the supply him the requisite copies within three days.

Adjourned to 20.11.2015.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6585 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 33017/2015
2. For hearing of Main Case.

28.10.2015

Mr. M. Rafiq Kalwar, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Adll: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Learned counsel for the petitioner supplies a copy of the petition alongwith its annexures to the learned Adll: A.G. who requests for one weeks' time for filing para-wise comments. Time, as requested, is granted.

Adjourned to 06.0.11.2015.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-5856 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 33017/2015
2. For hearing of Main Case.

28.10.2015

Mr. M. Rafiq Kalwar, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Adll: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Learned counsel for the petitioner supplies a copy of the petition alongwith its annexures to the learned Adll: A.G. who requests for one weeks' time for filing para-wise comments. Time, as requested, is granted.

Adjourned to 06.11.2015.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6548 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 32861/2015
2. For hearing of Main Case.

28.10.2015

Syed Mehmood Alam Rizvi, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

This petition has been filed as the petitioner has a grievance against the acceptance of nomination papers of Respondent No. 5. Learned counsel for the petitioner contends that the nomination papers of Respondent No. 5 were accepted in pursuance of this Court's order dated 29.09.2015 passed in C.P. No. D-6000/2015 by taking the pleas that the last date for submission of nomination forms was extended and the fee was deposited, which were factually incorrect. We cannot examine the factual controversies involved in the proceedings at this stage. After the election, if the petitioner still feels aggrieved, he may file appropriate proceedings in accordance with law.

The petition alongwith the pending applications is dismissed.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6136 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 30676/2015
2. For hearing of Main Case.

28.10.2015

Chaudhry Abdur Rasheed, advocate for the petitioners.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Learned counsel for the petitioners states that the petitioners do not want to press the instant petition as the same has become infructuous owing to some notifications issued by Government of Sindh.

In the circumstances, the petition alongwith the pending application is dismissed as not pressed.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-5114 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 31212/2015
2. For hearing of C.M.A. No. 31213/2015

28.10.2015

Mr. Nishat Warsi, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Learned counsel for the petitioner states that the petitioner doesn't want to press the listed application as the same have become infructuous owing to some notifications issued by Government of Sindh.

In the circumstances, the above listed applications are dismissed as not pressed.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-5845 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 29730/2015
2. For hearing of Main Case.

28.10.2015

Mr. M. Nishat Warsi, advocate alongwith Mr. S. Khizr Askar
Zaidi, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Learned counsel for the petitioner states that the petitioner wants to withdraw the instant petition with permission to file a petition on a fresh cause of action arising from delimitation that has been carried out after the decision of this Court dated 18.09.2015.

In the circumstances, the petition alongwith the pending application stands withdrawn with permission to file a fresh petition, if the petitioner so desires.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-5856 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 32319/2015
2. For hearing of C.M.A. No. 32320/2015

28.10.2015

Syed Mehmood Alam Rizvi, advocate for the petitioners.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Learned counsel for the petitioner states that the petitioners want to withdraw the listed applications, in view of order passed today in C.P. No. D-6125/2015.

In the circumstances, the listed applications stand dismissed as withdrawn, in the above terms.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6000 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 32319/2015
2. For hearing of C.M.A. No. 32320/2015

28.10.2015

Syed Mehmood Alam Rizvi, advocate for the petitioners.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Learned counsel for the petitioner states that the petitioners want to withdraw the listed applications, in view of order passed today in C.P. No. D-6125/2015.

In the circumstances, the listed applications stand dismissed as withdrawn, in the above terms.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6125 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

For hearing of C.M.A. No. 32350/2015

28.10.2015

Mr. Abdullah Nizamani, advocate for the petitioner.
Mr. Mukesh Kumar Karara, Addl: A.G.
Mr. Abdullah Hanjrah, Law Officer, Election Commission.
Mr. Subhan Ali Shoro, Assistant Commissioner / R.O.M.C. Tando
Muhammad Khan.

Through this contempt application, the petitioner is seeking implementation of the order of this Court dated 06.10.2015. On 06.10.2015 this petition was disposed of by passing the following orders:-

“The case of the petitioner is that when petitioner went to the concerned office to see list of candidates, his name was not listed. The concerned Returning Officer shall issue fresh nomination papers to the petitioner which shall be filled-in and submitted on 07.10.2015 by 4.00 p.m. then it shall be scrutinized so that the petitioner may be able to file appeal by 07.10.2015 in case his nomination papers are rejected.”

Apparently, the above order was passed on the submissions of the counsel for the petitioner that when he went to the concerned office to see the list of candidates, his name was not listed, however, today Returning Officer, present in Court, has submitted a statement which shows that the petitioner for the first time approached him seeking issuance of nomination papers on 23rd September by then the last date for submission of nomination forms has already passed. This fact was not disclosed to this Court when the order was obtained on 06.10.2015. The Appellate Authority dismissed the appeal of the petitioner also on the ground that the petitioner was not a party to the petitions in which relief was granted to some other persons. Admittedly the decision in other petitions was in personam and not in rem. Even otherwise when a right is not availed at the appropriate stage, it gets extinguished. The judgment reported in PLD 1987 SC 145 can be referred to in this regard with considerable advantage. In the circumstances no case for contempt is made out. Order dated 06.10.2015 was itself obtained on the basis of incorrect pleas after going through the statement of the Returning Officer. The application is, therefore, dismissed.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6549 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 32855/2015
2. For hearing of Main Case.

28.10.2015

Syed Mehmood Alam Rizvi, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

This petition has been filed as the petitioner has a grievance against the acceptance of nomination papers of Respondent No. 5. Learned counsel for the petitioner contends that the nomination papers of Respondent No. 5 were accepted in pursuance of this Court's order dated 29.09.2015 passed in C.P. No. D-6000/2015 by taking the pleas that the last date for submission of nomination forms was extended and the fee was deposited, which were factually incorrect. We cannot examine the factual controversies involved in the proceedings at this stage. After the election, if the petitioner still feels aggrieved, he may file appropriate proceedings in accordance with law.

The petition alongwith the pending applications is dismissed.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6551 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 32858/2015
2. For hearing of Main Case.

28.10.2015

Syed Mehmood Alam Rizvi, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Mr. Manzoor Ahmed Panwar, advocate files his power on
Behalf of Respondent No. 5

This petition has been filed as the petitioner has a grievance against the acceptance of nomination papers of Respondent No. 5. Learned counsel for the petitioner contends that the nomination papers of Respondent No. 5 were accepted in pursuance of this Court's order dated 22.09.2015 passed in C.P. No. D-5856/2015 by taking the pleas that the last date for submission of nomination forms was extended and the fee was deposited, which were factually incorrect. We cannot examine the factual controversies involved in the proceedings at this stage. After the election, if the petitioner still feels aggrieved, he may file appropriate proceedings in accordance with law.

The petition alongwith the pending applications is dismissed.

CHIEF JUSTICE

J U D G E

IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-6550 / 2015

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of C.M.A. No. 32864/2015
2. For hearing of Main Case.

28.10.2015

Syed Mehmood Alam Rizvi, advocate for the petitioner.

Mr. Mukesh Kumar Karara, Addl: A.G.

Mr. Abdullah Hanjrah, Law Officer, Election Commission.

Syed Rashid Hussain, Dy. Election Commissioner.

Mr. Manzoor Ahmed Panwar, advocate files his power on
Behalf of Respondent No. 5

This petition has been filed as the petitioner has a grievance against the acceptance of nomination papers of Respondent No. 5. Learned counsel for the petitioner contends that the nomination papers of Respondent No. 5 were accepted in pursuance of this Court's order dated 22.09.2015 passed in C.P. No. D-5856/2015 by taking the pleas that the last date for submission of nomination forms was extended and the fee was deposited, which were factually incorrect. We cannot examine the factual controversies involved in the proceedings at this stage. After the election, if the petitioner still feels aggrieved, he may file appropriate proceedings in accordance with law.

The petition alongwith the pending applications is dismissed.

CHIEF JUSTICE

J U D G E

