

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-5873 of 2018

Date	Order with signature of Judge
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- 1.For order on Misc. No.25490/2018
- 2.For order on Misc. No.25491/2018
- 3.For order on Misc. No.25492/2018
- 4.For hearing of main case.

15.08.2018

Mr. Muhammad Ali Waris Lari advocate for the petitioner.

Learned counsel has challenged the order dated 28.07.2018, whereby, the recounting application of the petitioner was dismissed. This petition was presented on 13.08.2018. Under sub-section (5) of Section 95 of the Elections Act, 2017, an application for recounting may be filed to the Returning Officer and before commencement of consolidation of results, the Returning Officer has been given powers to decide the application for recounting. Whereas, under sub-Section 6 of same Section, the ECP has been given powers in which before conclusion of consolidation of results, ECP may direct the Returning Officer to recount the results. The consolidation results have been completed and the returned candidates have already been notified by the ECP. At this stage, the remedy available to the petitioner is to invoke the jurisdiction of Election Tribunal constituted under Elections Act, 2017 where he can file an application for recounting along with election petition. Learned counsel at this stage, pointed out Section 234 of the Elections Act, 2017.

According to our understanding of law, this has nothing to do with the recounting but this Section relates to the responsibilities of the ECP for monitoring the election campaign.

After arguing at some length, learned counsel for the petitioner agrees that the petitioner will file election petition along with an application for recounting. If any recounting application is filed, the Tribunal shall decide the same in accordance with law. Petition is disposed of accordingly along with pending applications.

JUDGE

JUDGE

Aadil Arab

