

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**C.P. No.D-236 of 2016**

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Order with signature of Judge

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Before: **Mohammad Ali Mazhar** and **Agha Faisal, JJ.**

- 1. For hearing of CMA No.893 of 2016*
- 2. For hearing of CMA No.894 of 2016*
- 3. For hearing of main case*

05.03.2019

Mr. Hidayatullah, Advocate holding brief for Mr. Mohammad Haseeb Jamali, Advocate for the petitioners, who is reported to be busy before another Bench.

Mr. Jawad Dero, Additional Advocate General Sindh.  
Mr. Abdullah Hanjra, Law Officer Election Commission of Pakistan (ECP).

**Mohammad Ali Mazhar J,-** This matter was fixed on 21.02.2019 when Mr. Mohammad Haseeb Jamali counsel for the petitioners sought time to seek instructions from the petitioners. Today his associate submits that they tried to contact the petitioners but the contact could not be established, therefore, he requests for further time.

2. Basically the petitioners have challenged the candidature of private respondents for the election of the local bodies held on 19.11.2015. The claim of the petitioners is that due to alleged illegal tactics of the Provincial Government including the act of pre-poll rigging the petitioners could not secure the highest number of votes, however, they contested for the posts of Chairman, Vice Chairman, District Member as well as General Member Councilors from Ward No.1, 3 and 4 from U.C. 20 Kunri Memon, District Umerkot respectively. After elections such type of disputes can only be resolved by the Election Tribunals and this Court has no jurisdiction to intervene. The Law Officer, Election

Commission of Pakistan has also shown us the Notification dated 2<sup>nd</sup> November, 2015 which was issued in pursuance of Section 47 of the Sindh Local Government Act, 2013 read with Section 63 of the Sindh Local Government (Conduct of Election) Rules, 2013, whereby the Election Commission of Pakistan had appointed Additional District and Sessions Judges to act as Election Tribunals for the areas specified in the Notification against their names for the early disposal of election petitions relating to the Local Government Elections, 2015. Since the remedy under the law was available which could have been availed by the petitioner, this petition is dismissed.

**J U D G E**

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