

*ORDER SHEET*  
**IN THE HIGH COURT OF SINDH, CIRCUIT  
COURT, HYDERABAD.**  
C.P.No.D-2965 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections
2. For hearing of main case.

28.08.2019.

Mr. Meer Ahmed Mangrio, advocate for petitioner.

Mr. Muhammad Ismail Bhutto, Additional Advocate  
General Sindh.

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The petitioner by way of instant constitutional petition has  
sought for the following relief;

- a. That, this Honourable Court may be pleased to direct respondent No.1 to 4 to give right to petitioner and his party to fill nomination forms of reserve seats without seconder as petitioner party secure more votes in TC Manjhand.

OR

TC Manjhand may be divided into four wards as already delimited by respondent No.3 on dated: 29.09.2015, each ward consisting on census block and fresh election may ordered in four wards.

- b. That, any other relief deems fit and proper.

It is contended by learned counsel for the petitioner that the delimitation of the wards has been carried out in such a way which has deprived the petitioner and his party of right to contest the election against reserved seat. By contending so, he sought for acceptance of the instant constitutional petition as prayed for.

Learned A.A.G has sought for dismissal of instant constitutional petition being misconceived.

We have considered the above arguments and perused the record.

The filing of nomination paper through proposer and seconder is requirement of election law which could not be dispensed with by this court most particularly when very provision of law which requires filing of nomination paper on being proposed and seconded by another voter of constituency has not been challenged. Simultaneously, no fresh election could be ordered by this court by taking an exercise of delimitation of the wards, being issue of facts that too without providing chance of hearing to Provincial election authority and Election Commission of Pakistan, who significantly had not been made party by the petitioner in the instant constitutional petition perhaps knowingly. In these circumstances, it is concluded that the instant petition is misconceived and it is dismissed accordingly with no order as to costs.

Having concluded above, we found that instant constitutional petition misconceived and dismiss the same accordingly with no order as to costs.

JUDGE

JUDGE