

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D-5805 of 2018

| DATE | ORDER WITH SIGNATURE OF JUDGES |
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Adnan Iqbal Chaudhry.

Syed Ali Hussain Petitioner

Versus

Election Commission of Pakistan
and others Respondents

Date of hearing 28.08.2018.

Mr. M. Atif Shujaat M. Beg, Advocate for the Petitioner.
Mr. Muhammad Zahid Khan, Assistant Attorney General.

Muhammad Ali Mazhar, J: Raja Mir Muhammad Khan, Advocate has filed Vakalatnama for the Respondent No. 4 which is taken on record. The petitioner has presented this petition on 09.08.2018 for seeking directions against Respondent No. 1 to recount votes of the constituency of PS-89 Malir-III, Karachi in presence of all candidates. He further prayed that the Respondent No. 1 may be directed to suspend the notification issued in favour of the Respondent No. 4 as a winning candidate from PS-89, Malir-III, Karachi till the recounting of the votes of the said constituency. Under Elections Act, 2017 the powers of recount are available to the Returning Officers before the commencement of consolidation of results proceedings whereas some powers are available to Election Commission of Pakistan before conclusion of the consolidation of results. At this stage, neither these powers are available to the Returning Officers nor the Election Commission of Pakistan. Notification of the returned candidates has already been issued and they have already taken oath of their offices. Now the petitioner may file the Election Petition in accordance with the provisions contained

under the Elections Act, 2017. No interference can be made out by this court in the election disputes after completion of the election. After arguing at some length, the learned counsel for the Petitioner agrees to file Election Petition alongwith application for recount before the Election Tribunal in accordance with law. The petition is disposed of alongwith pending applications accordingly.

JUDGE

JUDGE

*SHUIBAN/PA**

