

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**
C.P No.D-2404 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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Mr. Atif Imran Khuwaja, Advocate for petitioner.
Mr. Ghulamullah Chang, Advocate files Power on behalf of
respondent No.5, taken on record.
Mr. Muhammad Ismail Bhutto, A.G Sindh
Mr. Ashfaque Nabi Qazi, Asst. Attorney General for
Pakistan along with Mr. Zaheer Abbas, Law Office ECP.

Date of hearing: 13.07.2022
Date of decision: 14.07.2022

The grievance of the petitioner is that respondent No. 5's nomination papers were accepted by the Returning Officer and on appeal in Election Appeal No. 127 of 2022, the learned District Judge/Appellate Authority Badin upheld the same vide order dated 25.06.2022 without assigning any cogent reasoning and without considering the fact that the petitioner was a defaulter of HESCO.

Section 60 of the Election Act, 2017, covered by Article 63 of the Constitution of Islamic Republic of Pakistan, 1973 provides that no 'defaulter' can participate in an election. The fact that the petitioner had unpaid dues to the tune of Rs.267,624/- at the time of submissions of his nomination papers, admitted by his counsel before the Appellate Authority, is enough to deem him as "defaulter" at the relevant time, and in view of the decision in C.P No.D-1991 of 2022 dated 20.06.2022 of this Court, he did not qualify to contest in the elections. The same dues were cleared by the respondent No. 5 on 25.06.2022 after the submission and scrutiny of nomination papers. Although he has cleared the said dues, the Returning Officer accepted his nomination papers without proper scrutiny and the same was illegal.

As such, we find that the respondent No.5 is not qualified to contest elections, therefore the petition is allowed and the impugned order passed by the Appellate Authority upholding the order passed by the RO accepting the nomination papers of the respondent No. 5 are set aside.

Sd/- Khadim Hussain Tunio, Judge
Sd/- Zulfiqar Ali Sangi, Judge

CERTIFIED TO BE TRUE COPY

Assistant Registrar (Writ)



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11/9/2022