

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

C. P. No. D - 938 of 2023

Date of hearing	Order with signature of Judge
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**Hearing of case (priority)**

1. For orders on office objections at Flag-A
2. For hearing of CMA No.3994/2023 (S/A)
3. For hearing of main case

**02.06.2023**

M/s Nisar Ahmed Bhanbhro and Sheeraz Fazal, Advocates for the petitioner.

Mr. Zeeshan Haider Qureshi, Law Officer of Election Commission of Pakistan.

Mr. Ashfaque Hussain Abro, Assistant Attorney General.

Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

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1. This Constitutional Petition is directed against the order dated 27.05.2023, whereby the respondent No.3 (*District Returning Officer/Deputy Commissioner, Khairpur*) rejected the nomination papers of the petitioner filed from Town Committee Ahmedpur, District Khairpur on the ground that the sworn affidavit is not submitted by him. The petitioner has submitted his nomination in Form-II(B) for contesting election on special reserved seat of Differently Able Person and his nomination was rejected by the respondent No.3 as stated above.

2. Heard and record perused.

3. The petitioner along with this petition has annexed a copy of the affidavit dated 23.05.2023 reduced on non-judicial stamp paper. It is contention of the petitioner that he had submitted such affidavit before the respondent No.3; however, the same was overlooked by him and, consequently, he passed the impugned order.

4. Rule 51(3)(d)(iii) of the Sindh Local Councils (Election) Rules, 2015 specifically provides that the Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature, and may allow any such defect to be remedied forthwith. Prima facie, the case of the petitioner for acceptance of his nomination papers falls in the above referred rules; hence, we **allow** this petition by directing to respondent No.3 to accept the nomination papers of the petitioner along with sworn affidavit and enlist his name in the list of validly nominated candidates for special seat of Differently Able Person for subject Town Committee.

Petition stands **disposed of** in the above terms along with listed application.

J U D G E

J U D G E

Abdul Basit