

ORDER SHEET
ELECTION APPELLATE TRIBUNAL SUKKUR.
(BEFORE MR. JUSTICE IRSHAD ALI SHAH)
Election Appeal No.S-01 of 2024
(Deedar Ali Jatoi Vs Federation of Pakistan & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
------------------------	--------------------------------------

For hearing of main case.

Date of hearing 05-01-2024.
Date of Order. 09-01-2024.

Mr. Muhammad Zubair Malik, advocate for the appellant.
Mr. Muhammad Haseeb Jamali advocate for private respondent.
Mr. Dareshani Ali Hyder "Ada" DAG, Pakistan.
Mr. Zeeshan Haider Qureshi Assistant Director (Law) ECP.

The appellant by way of instant election appeal has impugned the order of the Returning Officer whereby he has accepted the nomination paper of private respondent to contest election from NA-200 (Sukkur-I).

It is contended by learned counsel for the appellant that the declaration of the assets is not coinciding with the declaration made by the private respondent before FBR; it constitutes an act of misstatement on his part; therefore, Returning Officer ought not to have accepted his nomination paper, which is liable to be rejected by this Tribunal.

It is contended by learned counsel for the private respondent that no misstatement was made and everything was made clear by the private respondent by filing an affidavit attached to his nomination paper. By contending so, he sought for dismissal of instant election appeal.

Learned DAG and learned Law Officer of ECP by supporting the impugned order have sought for dismissal of instant election appeal.

Heard arguments and perused the record.

The Returning Officer who actually has accepted the nomination paper of the private respondent has not been arrayed as party by the appellant in the instant appeal, such omission on his part could not be overlooked. The nomination paper of the private respondent was not objected by the appellant to be reject at the time of its scrutiny; therefore, seeking of rejection whereof by him by this Tribunal way of instant election appeal appearing to be somewhat surprising. No misstatement with regard to the assets is apparent, which may justify this Tribunal to take contrary view. Everything is made clear in his affidavit by the private respondent, which he has attached to his nomination paper. In these circumstances, it would be unjustified to reverse the impugned order and reject the nomination paper of the private respondent.

In view of above, the instant election appeal fails and it is dismissed accordingly.

Judge/Appellate Tribunal