

BEFORE THE ELECTION APPELLATE TRIBUNAL FOR SINDH AT SUKKUR

Election appeal No.S-22 of 2024

Riaz Ahmed son of Rasool Bux
 Adult Muslim by caste Behan
 r/o Village Murad Behan, Dheeran Jageer
 Taluka Moro, District Naushehro Feroze
 Candidate for the seat of Member National Assembly
 NA-206 Naushehro Feroze-II - - - - - Appellant

V E R S U S

1. Federation of Pakistan,
Through Election Commission of Pakistan Islamabad
2. District Returning Officer/Deputy Commissioner
District Naushehro Feroze
3. The Returning Officer/Additional Deputy Commissioner-II
NA-206 NF-II, District Naushehro Feroze
4. Ghulam Murtaza Khan son of Ghulam Mustafa Khan
Adult Muslim by caste Jatoi
r/o Village New Jatoi, Taluka Moro
District Naushehro Feroze
Candidate for seat of Member National Assembly
NA-206 Naushehro Feroze-II

- - - - - Respondents

Mr. Rasool Bakhsh @ R.B Solangi, Advocate for appellant

Mr. Mureed Ali Shah, Advocate for respondent No.4

Mr. Zeeshan Hyder, Law Officer, Election Commission of
Pakistan

Mr. Dareshani Ali Hyder 'Ada' DAG

Mr. Muhammad Umair Election Officer Sanghar
Representative of Election Commission of Pakistan

Mr. Aijaz Ali Halepoto RO NA-206 Naushehro Feroze-II

Date of hearing: 08.01.2024

Date of order: 10.01.2024

ORDER

Zulfiqar Ali Sangi J;- Through this Election Appeal, the appellant has challenged the impugned order dated 30.12.2023, passed by the Returning Officer NA-206 Naushehro Feroze-II, whereby nomination form of the respondent No.4, was accepted mainly on the ground that respondent No.4, filled up a column of liabilities and exposed an amount of Rs.36,68,583/- as loan obtained by him from UBL Bank Limited Moro Branch and has not paid such loan amount hence he is a defaulter and his nomination form may be rejected. Para-wise comments has been filed by the respondent No.3, which reflects that the respondent No.4, has

produced no dues certificate of banks, therefore his form was accepted. Leaned DAG and learned counsel for Election Commission have supported the impugned order and submit that the respondent No.4, is not a defaulter, therefore this appeal is liable to be dismissed. Syed Mureed Ali Shah, Advocate by filling vakalatanma on behalf of the respondent No.4, placed on record no dues certificate issued by the National Bank of Pakistan, HBL New-Jatoi and UBL Moro. The respondent No.4, himself present and submits that he has obtained a agricultural loan and paying the installment regularly hence he has committed no any default in the installment and bank has no any grievance against him and issued no dues certificate. The appellant has not been produced any other proof which reflects that respondent No.4, is a defaulter of any bank or any other liability is outstanding against him. It is observed that the appeal is to be decided summarily in view of Section 63 (2) of the Election Act, 2017 as the Election Tribunal has been constituted for a limited purpose in terms of Section 63 of Election Act, 2017 and is not an Election Tribunal form in terms of Section 140 of the Election Act, 2017. The difference is to be kept in mind, as any order of Election Tribunal in respect of allegation and, acceptance of nomination form cannot be equated with an order or decision/judgment of Election Tribunal constituted in Terms of Section 140 of the aforesaid Act, for deciding the Election Petition. Under these circumstances, the returning officer has rightly accepted the nomination form of respondent No.4, the order passed by Returning Officer is hereby maintained. The appeal stands dismissed.

J U D G E