

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Const. Petition No.D- **883** of 2023

Date of hearing	Order with signature of Judge.
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Hearing of Case(Priority)

- 1.For orders on office objections
- 2.For hearing of CMA 3743/2023
- 3.For hearing of main case

24-08-2023

Mr. Ameenuddin Khaskheli, Advocate for the petitioners.
Mr. Zeeshan Haider Qureshi, Law Officer, Election Commission of Pakistan.
Mr. Ishfaque Hussain Abro, Assistant Attorney General.

Petitioners are applicants before the District Judge, Election Tribunal, Naushahro Feroze in the Election Petition No.18 of 2022 in respect of a dispute over local bodies elections held on 26.06.2022. During pendency of that, they filed an application under Section 151 CPC for framing of preliminary issues, regarding maintainability of Election Petition and re-counting of ballot papers. This application has been dismissed vide impugned order dated 17.05.2023. Learned Tribunal has observed that prior to this application, petitioners had filed an identical application which was disposed of with observations, more or less, that since the issues have been framed and the petition is fixed for recording of evidence, wherein affidavits are to be filed. Further, it has been observed that prayer of re-counting/re-checking of votes would be considered at the final stage of evidence.

After hearing the parties and with their consent, this petition is **disposed of** along with listed application putting the petitioners at liberty to file a proper application before the Election Tribunal for framing of additional issues at this stage or after recording of evidence for seeking the same relief. However, if the application is filed, the Election Tribunal shall decide the same on its own merits.

JUDGE

JUDGE