

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Aqeel Ahmed Abbasi, CJ

Mr. Justice Abdul Mobeen Lakho, J

C.P. No.D-1050 of 2024

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.5242/2024 (Urgent).
2. For order on CMA No.5243/2024 (Stay).
3. For order on office objection Nos.1&2.
4. For hearing of main case.

Dated; 4th March 2024

Petitioner Mr. Sohail Hameed Advocate present in person.

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1. Urgency granted.

2-4. After arguing the matter at some length and while confronted as to maintainability of instant petition, as prima facie it appears that no cause of grievance appears to have been expressed through instant petition, whereas, what is being sought in its prayer clause, cannot be granted by this Court while exercising the Constitutional jurisdiction under Article 199 of the Constitution of Pakistan, as it is settled law that the matter relating to the elections has to be decided either by the Election Commission of Pakistan in terms of Sections 8 and 9 of the Elections Act, 2017 or the duly constituted Election Tribunals under the Elections Act, 2017. While confronted with hereinabove factual and legal position, petitioner appearing in person submits that he will be satisfied if the directions may be issued to the Election Commission of Pakistan to make compliance of the provisions of Section 95(10) of the Elections Act, 2017, which requires that *“on receipt of documents under sub-section (8), the Commission shall, within fourteen days from the date of the poll, publish the documents on its website”*.

While confronted with hereinabove position, petitioner was asked to assist this Court, as to whether he has logged in on the website of the Election Commission of Pakistan for the purposes of verification, as the aforesaid Forms have been uploaded on the website, petitioner could not submit any reasonable explanation, whereas, Mr. Saifullah, Asst. Advocate-General, Sindh present in Court in some other cases, submits that such exercise has already been undertaken and all the Forms have been duly uploaded on the website. It has been further contended by the learned A.A.G. that instant petition is misconceived and not maintainable for the reason that neither it discloses any cause of grievance, whereas, all such stages have already passed and the respective Provincial Assembly and the National Assembly have been duly constituted. Contention of the learned A.A.G. appears to be correct.

In view of the above, we do not find any merits in the instant petition, which is accordingly dismissed in limine alongwith listed applications.

CHIEF JUSTICE

JUDGE

Farhan/PS
