

ORDER SHEET

**THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO/  
APPELLATE ELECTION TRIBUNAL, LARKANO**

Election Appeal No. 33 of 2024

Date

Order with signature of Judge

1. For orders on office objection-A.
2. For hearing of CMA No.74 of 2024. S/A
3. For hearing of main case.

**05.01.2024.**

Mr. Rizaz Hussain Khoso, Advocate for the appellant a/w appellant.

Mr. Oshaque Ali Sangi, Assistant Attorney General for Pakistan,

Mr. Abdul Hamid Bhurgri, Additional Advocate General, Sindh, a/w  
Mr. Munawar Ali Abbasi, Assistant Advocate General, Sindh

Mr. Shafqat Rasool, Assistant Director (Law), Election Commission of Pakistan  
a/w. Agha Zulfiqar Hussain, Returning Officer, PS-2, Jacobabad.

Learned counsel submits that the impugned order suffers from many illegalities as the appellant has mentioned his NTN number in Nomination Paper therefore, question of concealment or source of income is of no avail. As far as inmates of his family are concerned he has only a wife without children therefore, no one is dependent on his shoulders, hence due to oversight he forgot to disclose name of his spouse and such illegality is not substantial besides is curable in view of 62(9)(d)(ii), Election Act, 2017. He therefore, submits that by granting appeal in hand the impugned order dated 29.12.2023 may be set aside and he may be allowed to contest in the Elections-2024.

Learned Law Officer, (ECP) assisted by Returning Officer, submit that the appellant had not submitted No dues certificate besides has failed to mention list of his family unit. When confronted that the appellant has already submitted NTN number and erroneously mentioned in nomination form as UC instead of PS-2 which cannot be termed to be a substantial error or fault which may warrant rejection of nomination papers of the appellant. When confronted the objections learned counsel for the appellant points out that objection with regard to No dues certificate is concerned, that is not part and parcel of the impugned order, more particularly when he is filer as such said objection cannot be taken into consideration.

Admittedly, the objections raised are curable and are not mandatory for which one could be deprived of from his right to contest the Election. The impugned order in view of above discussion seems to be not sustainable and is liable to be set-aside. Accordingly appeal in hand is hereby allowed. The impugned order is hereby set-aside, the appellant is allowed to contest the Elections-2024. The Returning Officer, present in court is directed to revise Form-32 within stipulated period.

**JUDGE**