

BEFORE THE HONOURABLE ELECTION COMMISSION OF PAKISTAN

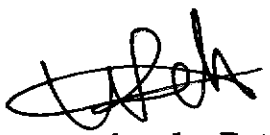
Representation No. of 2018

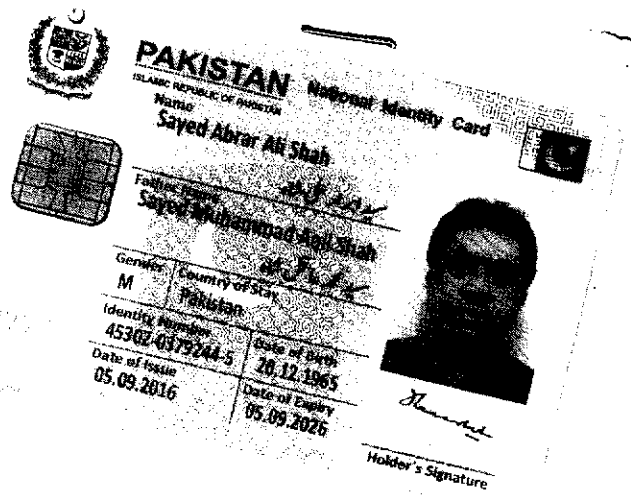
Syed Abrar Ali Shah
Post office Aqil Shah (Halani)
Taluka Mehrabpur
District Naushahro Feroze, Sindh.....PETITIONER

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Islamabad
Dated:30.03.2018


Advocate for the Petitioner



BEFORE THE HONOURABLE ELECTION COMMISSION OF PAKISTAN

Representation No. _____ of 2018

In the matter of preliminary de-limitation of constituencies:

Syed Abrar Ali Shah
S/o Syed Muhammad Aqil Shah
(CNIC No. 45302-0379244-5)
Post office Aqil Shah (Halani)
Taluka Mehrabpur,
District Naushahro Feroze, Sindh

.....PETITIONER

Representation Under Section 21 (3) of the Election Act, 2017 r/w the provisions of Chapter III, Part. A of the Election Rules, 2017 on behalf of the petitioner for making appropriate amendments, alterations and/or modifications in the preliminary list of proposed provincial constituencies of District Naushahro Feroze Sindh, inter alia, Proposed PS. 33, (Naushahro Feroze I)

The petitioner respectfully submits as follows:

- 1) That the petitioner is the voter and politician from District Naushahro Feroze who has contested election previously from the said district in particular from PS-21 Naushehro Feroz-III in the 2013 elections and secured 29997 votes whereas the returned candidate secured 30006 votes difference of only 9 votes. Further, the petitioner until recently has also served as Special Assistant to Chief Minister Sindh and twice elected as taluka nazim from the district Naushahro Feroze. It is relevant to point out that the petitioner was elected unopposed nazim taluka Mehrabpur. (Copy of the General Elections 2013 Report is annexed herewith and marked as Annexure R/1)
- 2) That Article 51 of the Constitution provides that there shall be 342 of the National Assembly including seats reserved for women and non-Muslims.



According to this Article 51, 61 General Seats and 14 reserved seats for women have been allocated to the province of Sindh for National Assembly. According to Article 106 of the constitution, 130 General seats, 29 Reserved Seats for women and 9 seats Reserved for minority have been allocated to the Province of Sindh for Provincial Assembly.

- 3) As far as District Naushahro Feroze is concerned, in general elections 2013, five provincial assembly constituencies represented the entire population of District Naushahro Feroze in that - PS-19 Naushahro Feroze I, PS 20 - Naushahro Feroze II, PS-21 - Naushahro Feroze III, PS-22 Naushahro Feroze IV, PS-23 - Naushahro Feroze V. Now the provincial constituencies have been proposed for district Naushahro Feroze as PS-33 (Naushahro Feroze I); PS-34 (Naushahro Feroze II); PS-35 (Naushahro Feroze III) and PS 36 (Naushahro Feroze IV). Hence, one constituency is being reduced for district Naushahro Feroze of Sindh Province.
- 4) The instant representation is regarding the Provincial Constituency, PS-33 (Naushahro Feroze I). The petitioner hails from district Naushahro Feroze and is registered voter in PS-33 (Naushahro Feroze I). On behalf of the general public of PS-33, he is filing the titled representation as the proposed constituency; would adversely affect the rights and interests of the area for several reasons as, inter alia, summarized hereinafter.
- 5) That preliminary proposal of delimitation for seats of Provincial assembly of Sindh for district Naushahro Feroze has been issued while ignoring the mandatory guidelines given in Section 20 of the Election Act 2017 and rules 7,8,9 and 10 of the Election Rules 2017.
- 6) That the delimitation committee has proposed the constituencies of PS 33 Naushahro Feroze I in utter disregard of the guiding principles of geographically compact areas, physical features of the areas, as proposed constituencies, the convenience is a major issue with public residing in these areas, the facilities of communication and public convenience has also been ignored. (Copy of the Preliminary Delimitation MAP and extent of constituency are annexed herewith and marked as Annexure R/2 and R/3 respectively)
- 7) That the proposed delimitation is nothing but a sheer exercise of curtailing the ways and means for public at large to participate in elections which amount to Gerry meandering.

- 8) The delimitation committee has also ignored the distribution criteria of population and area in District Naushahro Feroze. The population and area criteria in the proposal given by the petitioner also suits to the principles of delimitation laid down in section 20 of the election act 2017.
- 9) That the preliminary delimitation has been done without considering the important facts of road networking/communication system, boundaries and public convenience which is against the basic principles of the delimitation and also against the law.
- 10) That the law requires the delimitation committee to start delimitation from the northern end of the district but in the instant matter the delimitation committee in utter disregard of the law started delimitation from the western side which speaks volumes of the committee malafide intentions and to disenfranchise the petitioner from contesting in free and fair elections. By doing the said illegal act they not only violated the law but also disregarded the administrative boundaries, historic significance and public convenience.
- 11) That preliminary delimitation has been done in total disregard of the rules for delimitation framed by the honourable election commission of Pakistan firstly the PS 33 was the first constituency was not delimited from the norther end rather from west which is in violation of the commission rules. Furthermore, PS 35 has been delimited from east to west rather than clockwise i.e east to south in contravention of the law and rules framed by the commission itself for the reasons best known to the delimitation committee but the selectiveness and giving undue advantage to particular political party is floating on the record.
- 12) That the preliminary delimitation failed to appreciate that there is no road under provincial highway or direct route between bhiria city to behlani road under PS-34 and in order to reach each other it requires almost 40 kilo meters as evident from the certificate issued by the executive engineer highway division. Further, the only direct route between them is from halani therefore, taking out behlani road from PS-33 is without any substance rather violative of the Section 20 of the 2017 Act read with rules of 2017. **(Copy of the certificate is annexed herewith and marked as Annexure R/4)**
- 13) It is submitted that PS -33 constituency consists of Halani however, the delimitation has been done in such manner that even the police station of halani has been excluded from PS 33 and as per preliminary delimitation falls in the PS-

34 constituency which speaks volumes of the irregular and illegal delimitation conducted by the delimitation committee.

- 14) That the main hospital of halani has also been excluded from PS 33 constituency which consist halani town committee hence, the hospital of town committee halani being placed in PS 34 is beyond understanding. Further, the deh nayabad which is part of halani city has also been placed in PS 34.
- 15) In view of the foregoing, it is submitted that Article 222 of the constitution provides that parliament may by law provide for, (a) the allocation of seats in the National Assembly as required under Article 51 (3) and (4) of the constitution, and (b) the delimitation of constituencies by the Election Commission of Pakistan. It is thus, constitutional obligation of this Honourable Commission to delimit the constituencies in accordance with law. Now, section 17 of the Election Act, 2017 provides that "Election Commission shall delimit the constituencies after every census officially published."
- 16) To delimit a constituency, the broader principles have been summarized in Section 20 of the Election Act, 2017 that as far as practicable, be delimited having regard to the (i) distribution of population in geographically compact areas, (ii) physical features, (iii) existing boundaries of administrative units, (iv) facilities of communication and public convenience and (v) other cognate factors to ensure homogeneity in the creation of constituencies. It has also been provided that "as far as possible, variation in population of constituencies of assembly shall not ordinarily exceed ten percent."
- 17) Now according to the preliminary report on proposed constituencies issued by this Honourable Commission, province of Sindh has been divided into 130 territorial constituencies on the census of 2017. The quota per seat in respect of each provincial assembly seat has been determined in relation to Sindh as under:

Total Population of Sindh: 47,893,244

Total PA Seats of Sindh : 130

Quota Per Seat: $47,893,233/130 = 368,410$

- 18) Based on the aforesaid population and seat quota with a variation of about 10% as provided in section 20 of the Election Act, 2017, four seats, now proposed for

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District Naushahro Feroze out of the 130 seats allocated to the entire province of Sindh, have been drawn up as per the preliminary delimitation are as under:

- 1) PS-33, Naushahro Feroze I - (Population, 392,795)
- 2) PS-34, Naushahro Feroze II - (Population, 396,214)
- 3) PS-35, Naushahro Feroze III - (Population, 429,980)
- 4) PS-36, Naushahro Feroze IV - (Population, 393,384)

- 19) It is submitted on behalf of the petitioner that PS-33 as suggested by the petitioner and MAP whereof attached herein shall be finalized by the Honourable Commission as this suggested constituency is better than the proposed constituency of PS 33 and as per the requirements of the election act 2017 read with rules and the constitution of the Islamic republic of Pakistan 1973. In the instant proposal population of the PS-33 constituency would be 403,613. **(Copy of the proposed delimitation is annexed herewith alongwith map and marked as Annexure R/)**
- 20) The total population as referred in the preliminary delimitation of the constituencies and proposed constituencies is 16,12,373 that is the population of the district Naushahro Feroze. This would offer effective proportional representations to the people of the area. As an easy reference, a suggested map of all constituencies PS-33 (Naushahro Feroze I); PS-34 (Naushahro Feroze II); PS-35 (Naushahro Feroze III) and PS 36 (Naushahro Feroze IV) is annexed with the representation. Attention is invited thereto, which would keep the area compact and all major talukas intact with headquarters in their respective constituencies.
- 21) It is submitted that it is settled law and international practice in delimitation of the constituencies that "totality of circumstances" to be taken into account also known or called as "redistricting standard" Accordingly, in view of the totality of circumstances standard, the best presentation is what has been suggested through this representation. It may be added that, inter alia, it is the constitutional right of the general public of the area under Article 17 to have "real representatives". In case, the proposed constituencies are not reviewed altered and modified as suggested, the rights and interests of the people of the area would be adversely affected and prejudiced. This would not be warranted in law. Hence, this presentation before the Honourable Commission of Pakistan for directions as suggested hereinabove.

- 22) That the petitioner seeks indulgence of the Honourable Commission to urge more grounds from the record at the time of hearing of this representation.

PRAYER

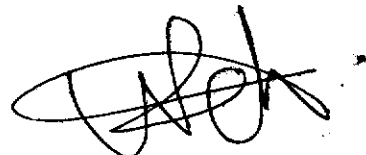
The Petitioners, therefore, respectfully, pray that this Honorable Court be pleased to allow this representation and to further:

- a) Honourable Commission may kindly be pleased to consider and allow the titled representation and finalize, inter alia, PS-33 (Naushahro Feroze I); PS-34 (Naushahro Feroze II); PS-35 (Naushahro Feroze III) and PS 36 (Naushahro Feroze IV) as proposed through instant representation and may further be pleased to make all appropriate adjustment, amendment, alteration and modification to the proposed constituency in the interest of justice.
- b) Grant any other relief, additional and or moulded as this Honorable Commission may deem fit, proper and or necessary in the circumstances of the case.


Syed Abrar Ali Shah
PETITIONER

BLOCK CODE: 345010415

Through



Barrister Waleed Khanzada
Advocate

Dated:

R/1⁷



**GENERAL ELECTIONS
2013**

REPORT
VOLUME-II

ELECTION COMMISSION OF PAKISTAN
www.ecp.gov.pk

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Sl. No.	Contesting Candidates	Party Affiliation	Votes Polled
17	Ghulam Rasool Khan Jatoi	National Peoples Party	38170
18	Advocate Haji Khan MS Mashori	Independent	16
19	Sayed Zuhaib Ali Shah	Independent	4
20	ZULIFQAR ALI CHANDIO	Independent	1332
		Valid Votes	69543
		Rejected Votes	3042
		Total Votes	72570
		Regd. Voters	118476
		% of Votes Polled to Regd. Voters	61.25

PS-20 NAUSHEHRO FEROZE-II

1	Syed Sarfraz Hussain Shah	Independent	19
2	Asghar Ali Shah	Independent	135
3	Shakeel Ahmed Rajput	Independent	66
4	Syed Ikhtiar Ali Shah	Independent	6
5	Waqar Ahmed Rajput	Independent	13
6	Nisar Ali	Pakistan Peoples Party (Shaheed Bhutto)	329
7	Syed Ahtisham Ali Shah	Independent	143
8	Syed Murad Ali Shah	Pakistan Peoples Party	35797
		Parliamentarians	
9	Syed Hassan Ali Shah	Independent	13
10	Syed Chattal Shah Rizvi	Independent	167
11	Pir Syed Ashique Muhuddin Shah	Independent	3
12	Syed Ameer Ali Shah	Independent	97
13	Ghulam Ali Shah alias Anwar Shah	Independent	10
14	Syed Noor Muhammad	Muttahidda Qaumi Movement	504
15	Zulfiqar Ali	Independent	26
16	Abdul Sattar Luhrani	Independent	1
17	Rana Mursleen	All Pakistan Muslim League	29
18	Abdul Jabbar Memon	Pakistan Sunni Tehreek	3
19	Sardar Muhammad Usman Almani	Independent	14617
20	Allah Warrayo Kalo	Independent	181
21	Rafique Ahmed Abbasi	Independent	289
22	Khalid Hussain	Independent	2
23	Syed Asif Ali Shah	National Peoples Party	12016
24	Syed Zohaib Ali Shah	Pakistan Muslim League (N)	6665
25	Ghulam Mustafa	Independent	351
		Valid Votes	71522
		Rejected Votes	4413
		Total Votes	75448
		Regd. Voters	119672
		% of Votes Polled to Regd. Voters	63.04

PS-21 NAUSHEHRO FEROZE-III

1	Syed Zahid Hussain	Majlis-e-Wahdat-e-Muslimeen Pakistan	694
2	Arbelo Oad	Independent	60
3	Arshad Hussain Shaikh	Independent	127
4	Arshad Ali Rajput	Pakistan Sunni Tehreek	9
5	Altaf Hussain Sahito	Independent	28
6	Jhando Khan Jarwar	Independent	4
7	Rashid Hussain	Independent	22
8	Rashid Mehmood Mughal	Pakistan Tehreek-e-Insaf	425

Sl. No.	Contesting Candidates	Party Affiliation	Votes Polled
9	Raheem Bux	Pakistan Peoples Party (Shaheed Bhutto)	720
10	Maqsood Ali Khushik	Independent	14
11	Fayyaz Hussain Lakho	Independent	16
12	Syed Aftab Ali Shah	Independent	40
13	Syed Abrar Ali Shah	National Peoples Party	29997
14	Syed Asad Ali Shah	Independent	32
15	Syed Altaf Hussain Shah	Independent	481
16	Syed Babar Ali Shah	Independent	417
17	Syed Sarfraz Hussain Shah	Pakistan Peoples Party	30006
		Parliamentarians	
18	Syed Ali Sher Shah	Independent	18
19	Syed Ghulam Muhammad Shah	Independent	156
20	Syed Munawar Ali Shah	Pakistan Muslim League (N)	9848
21	Zafar Akbar Awan	Independent	33
22	Zafar Ali Halepoto	Independent	4
23	Abdul Sami Malah	Independent	44
24	Ghulam Muhammad Lashari	Muttahidda Qaumi Movement	1821
25	Nazir Ahmed	Independent	69
26	Muhammad Ramzan	Pakistan Falah Party	107
27	Malir Ahmed Mangrio	Independent	12
28	Nadir Ali	Independent	7
		Valid Votes	74992
		Rejected Votes	2378
		Total Votes	77370
		Regd. Voters	122689
		% of Votes Polled to Regd. Voters	63.02

PS-22 NAUSHEHRO FEROZ-IV

1	Allaicirciu:SiiU alias Zafar Ali Shah	Independent	415
2	Amjad Hussain	Independent	51
3	Haji Khan	Independent	15
4	Khalid Saifullah Abbasi	Mutahida Deeni Mahaz	1620
5	Zulfigar Ali Rajper	Independent	42
6	Rashid Ali Lakho	Independent	21
7	Rafique Ahmed Abbasi	Independent	306
8	Riaz Hussain Rajper	Independent	44
9	Riaz Hussain Khoso	PTI	373
10	Syed Abrar Ali Shah	Independent	356
11	Syed Asad Ali Shah	Independent	19
12	Syed Ameer Ali Shah	Independent	367
13	Syed Hassan Ali Shah	Independent	34
14	Syed Ghulam Ali Shah Alias Syed Anwar Ali Shah	Independent	5
15	Syed Murad Ali Shah	Independent	6
16	Syed Noor Muhammad Shah	Independent	8
17	Shahid Ali Arain	Independent	15
18	Shakeel Ahmed Jabani	Independent	16
19	Sabir Hussain Mari	Independent	19
20	Sadat Gui	Mustaqbil Pakistan	22
21	Zaheer Hussain	Independent	41
22	Arif Mustafa Jatoi	National Peoples Party	30067

R/3
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No. and Name of Constituency	Extent of the Constituency	Population
PS -31 Khairpur-VI	a) Gambat Taluka;	263,746
	b) The following Tapedar Circles of Ahmed Pur STC of Taluka Kingri:- i) Kolab Jail, 32,433 ii) Saidi and 20,599	
	c) The following Tapedar Circles of Kouro Phulpoto STC of Taluka Khairpur:- i) Tando Masti and 13,063 ii) Wassan 9,715 of District Khairpur.	
	Total :	339,556
PS -32 Khairpur-VII	a) Taluka Kingri excluding the following Tapedar Circles of STC Ahmed Pur:- i) Kolab Jail, ii) Saidi and	287,186
	b) Tapedar Circle Khanpur of STC Khairpur of Taluka Khairpur	12,361
	c) The following Tapedar Circles of STC Kouro Phulpoto of Taluka Khairpur:- i) Tando Nazar Ali, 5,569 ii) Mangi and 10,909 iii) Kouro Phulpoto 7,659 of District Khairpur.	
	Total :	323,684
PS -33 Naushahro Feroze-I	a) Kandiaro Taluka;	322,439
	b) Halani Town Committee of Mehrabpur Taluka;	23,419
	c) The following Tapedar Circles of Halani STC of Mehrabpur Taluka:- i) Halani, 8,932 ii) Dehat and 20,435 iii) Kotri Muhammad Kabir 17,570 of District Naushahro Feroze.	
	Total :	392,795
PS -34 Naushahro Feroze-II	a) Mehrabpur Taluka excluding the following areas:- i) Halani Town Committee, ii) Tapedar Circle Halani, iii) Tapedar Circle Kotri Muhammad Kabir and iv) Tapedar Circle Dehat of Halani STC	176,924
	c) Bhiria Taluka excluding the following areas:- i) Tapedar Circle Mad Aleem, ii) Tapedar Circle Tharushah, iii) Tapedar Circle Mothan, iv) Tapedar Circle Dalipota of Bhiria STC and v) Tapedar Circle Gher Gaju of Bhiria Road STC of District Naushahro Feroze.	219,290
		Total :

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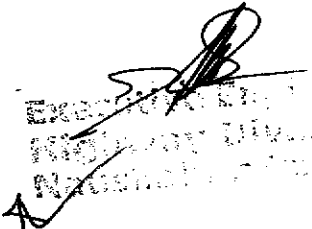
No. and Name of Constituency	Extent of the Constituency	Population
PS -35 Naushahro Feroze-III	a) Naushahro Feroze Taluka excluding the following Tapedar Circles of Darya Khan Mari STC:- i) Vissor, ii) Sahib Khan, iii) Masurijwai and	348,226
	b) The following areas of Bhiria Taluka:- i) Tapedar Circle Mad Aleem, ii) Tapedar Circle Tharushah, iii) Tapedar Circle Molhan, iv) Tapedar Circle Dalipota of Bhiria STC and v) Tapedar Circle Gher Gaju of Bhiria Road STC	27,659 10,769 11,541 14,448 17,337
	of District Naushahro Feroze. Total :	429,980
PS -36 Naushahro Feroze-IV	a) Moro Taluka and	368,789
	b) The following Tapedar Circles of Darya Khan Mari STC of Naushahro Feroze Taluka:- i) Vissor, ii) Sahib Khan and iii) Masurijwai	12,920 4,877 6,798
	of District Naushahro Feroze. Total :	393,384
PS -37 Shaheed Benazirabadr-I	Taluka Daur excluding the following area:- i) Tapedar Circle Jamal Shah, ii) Tapedar Circle Kandiyari, iii) Tapedar Circle Liyari, iv) Tapedar Circle Abul Hassan v) Tapedar Circle Daur of Daur STC and vi) Tapedar Circle Marri Sabbar of Jam Sahib STC	405,111
	of District Shaheed Benazirabad. Total :	405,111
PS -38 Shaheed Benazirabadr-II	Taluka Nawabshah	413,913
	of District Shaheed Benazirabad. Total :	413,913
PS -39 Shaheed Benazirabadr-III	a) Taluka Sakrand and	372,875
	b) Tapedar Circle Marri Sabbar of Jam Sahib STC of Daur Taluka	14,541
	of District Shaheed Benazirabad. Total :	387,416
PS -40 Shaheed Benazirabadr-IV	a) Taluka Kazi Ahmed and	348,702
	b) The following Tapedar Circles of Daur STC of Taluka Daur:- i) Jamal Shah, ii) Kandiyari, iii) Liyari, iv) Abul Hassan and v) Daur	13,245 12,459 12,102 12,137 7,762
	of District Shaheed Benazirabad. Total :	406,407

R/4

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CERTIFICATE

This is to certify that No any road from Bhiria city to
Behlani Road is an existing road under Provincial Highway
Department.


Executive Engineer
Highway Division
Nagbhalpur

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PS-35 NAUSHAHRO FEROZE-III

a) STC Darya Khan Marri and Town Committee D.K Marri of Naushahro Feroze Taluka	53668 11927
b) Tapedar circle Lalia of Sehra STC and Moro Taluka	280479
c) The following area of Naushahro Feroze taluka	
I. Tapedar circle Phull Of Paddidan STC	19172
II. Tapedar circle Koor Hassan	18856
III. Tapedar circle Waggan	15012
IV. Tapedar circle Noor pur of Naushahro Feroze STC	10573
<u>TOTAL</u>	<u>409687</u>

PS-36 NAUSHAHRO FEROZE-IV

a) STC Sehra excluding Tapedar circle Lalia of Moro Taluka	88310
b) The following area of N.Feroze Taluka	
I. Tapedar Circle Mithiani	20831
II. Tapedar Circle Abiji	7579
III. Tapedar circle Kanjar	21978
of N.Feroze STC	
IV. Town Committee Mithiani	30386
c) The following area of Bhiria Taluka	
I. Tapedar circle Tharushah	10769
II. Tapedar circle Dalipota	14448
III. Tapedar circle Mad Alim	27659
IV. Tapedar circle Molhan	11541
V. Tapedar circle Dali	12500
of Bhiria STC	
VI. Town Committee Tharushah	23272
d) STC Dabrho and	78900
I. Tapedar circle Ghulam Shah	27808
II. Tapedar circle Salehpur	18959
of Kandiaro STC of Kandiaro Taluka	
<u>TOTAL</u>	394940

PS-33 NAUSHAHRO FEROZE-I

R/5
13

a) STC Gul Shah of Kandiaro Taluka	82354
b) STC Halani of Mehrabpur Taluka	78643
c) STC Kandiaro excluding the following Tapedar circle	75039
I. Ghulam Shah	
II. Salehpur of Kandiaro Taluka	
d) STC Lakha Road excluding the Following Tapedar circle	51385
I. Rajo Daheri	
II. Satar Dino Mangrio	
III. Saeedpur	
IV. Bago Daro of Mehrabpur Taluka	
e) Town Committee Mehrabpur	53394
Town Committee Halani	23419
Town Committee Kandiaro	39379
<u>TOTAL</u>	<u>403613</u>

VAKALATNAMA

BEFORE THE HONOURABLE ELECTION COMMISSION OF PAKISTAN

Representation No.

of 2018

In the matter of preliminary de-limitation of constituencies:

Syed Abrar Ali Shah
S/o Syed Muhammad Aqil Shah
(CNIC No. 45302-0379244-5)
Post office Aqil Shah (Halani)
Taluka Mehrabpur,
District Naushahro Feroze, Sindh

I, Syed Abrar Ali Shah S/o Syed Muhammad Aqil Shah, applicant, do hereby appoint and constitute **Barrister Waleed Khanzada**, Advocate to appear and act for me as my Advocate in the above matter.

1. To act, appear and plead in the matter mentioned above, and to withdraw or compromise the said matter or to submit to arbitration any difference or disputes that shall arise touching or in any matter relating to the said matter and to receive money and grant receipts therefore, and to do all other acts and things which may be necessary to do done for the progress and the course of the prosecution of the said matter.
2. To draft, sign file all necessary pleadings, applications affidavits or documents as shall be deemed necessary or advisable for the prosecution of the said matter at all its stages.
3. To associate any other legal practitioner, authorizing him to exercise the power and authorities hereby conferred on the advocate, whenever he may think fit to do so.
4. I/we also authorize the said advocates to withdraw and to receive on my/ our behalf all sums and amounts deposited on my/our account in the above noted matter and /or refer the above matter to arbitration or to compromise or to withdraw the same.



Signature
Applicant

Received from

By us on

Accepted.

Advocate

ADDRESS:

Barrister Waleed Khanzada

23-C, Office No. 303, 3rd Floor
Main 26th Street, Khayaban-e-Bader
Phase V, Karachi.

Tel:-0307-8199998

Email: waleed.khanzada@hotmail.co.uk

