

ELECTION COMMISSION OF PAKISTAN

MR. SIKANDAR SULTAN RAJA, CHAIRMAN
MR. SHAH MUHAMMAD JATOI, MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER

CASE No. F.7(312)/2024-Law-III (G.E)

Subject: APPLICATION UNDER ARTICLE 218(3) OF THE
CONSTITUTION READ WITH SECTION 8 AND 95 OF THE
ELECTIONS ACT, 2017

Zulfiqar Ahmed, Contesting Candidate from constituency NA-79, Gujranwala
.....Petitioner(s)

VERSUS

Returning Officer NA-79, Gujranwala and 4 others
.....Respondent(s)

For the Petitioner : In person alongwith, Junior Counsel for Mr.
Taimoor Aslam Khan, ASC
For the Respondent : Barrister Gohar Ali Khan, Proxy Counsel
Date of hearing : 19-08-2024

ORDER

Sikandar Sultan Raja, Chairman- The subject matter was lastly fixed for hearing on 28.03.2024 for submission of reply of the Returned Candidate, however, on 28.03.2024 a stay order from the Hon'ble Lahore High Court, Lahore in Writ Petition No. 19091/2024 was produced by the Returned Candidate before the Commission. The matter was adjourned to date in office with the directions to re-fix it after disposal of the above mentioned Writ Petition. The Hon'ble Lahore High Court, Lahore while disposing of the W.P No.19091/2024 on 24.04.2024, set-aside the proceedings pending before the Commission in the subject matter. The order passed by the Hon'ble Lahore High Court, Lahore was challenged by Zulfiqar Ahmed contesting candidate from NA-79 Gujranwala before the august Supreme Court of Pakistan through CP No. 1767/2024 titled as Zulfiqar Ahmed vs. Election Commission of Pakistan and others. The Hon'ble Supreme Court of Pakistan allowed the Civil Petition and set-aside the order passed by the Hon'ble Lahore High Court, Lahore vide order dated 12.07.2024. After receiving the copy of the judgment from the august Supreme Court of Pakistan, the matter is relisted and notices were issued to both the candidates for appearance and further proceedings.

02. Barrister Gohar Ali Khan proxy counsel appeared on behalf of counsel for the respondent and stated that leading counsel is on general adjournment and is not in Pakistan. He stated that the main counsel i.e Barrister Haris Azmat Advocate Supreme



Court will return on 21-08-2024. In this respect he has submitted a photocopy of an application for general adjournment submitted by the main counsel before the Hon'ble Chief Justice of Lahore High Court, Lahore on 22.07.2024. Proxy counsel requested for adjournment for two days on behalf of main counsel.

03. The request of the proxy counsel for adjournment on behalf of Respondent is strongly opposed by the counsel for the Petitioner. He stated that the matter has been delayed by the Respondent. He requested to reject the request for adjournment and proceed the matter in accordance with law.

04. We have gone through the record and observed that the matter is pending before the Commission since 27.02.2024 and adjournment is sought by the counsel for the Respondent on each date of hearing. The matter has already been delayed. However, in the interest of justice, request for adjournment is allowed with absolute last opportunity. The matter is adjourned to 26-08-2024 for final arguments by the parties. In case of failure, the matter will be decided on the basis of available record before us.

- Sdr

Sikandar Sultan Raja
Chairman

- Sdr

Shah Muhammad Jatoi
Member

- Sdr

Justice (R) Ikram Ullah Khan
Member

