

BEFORE THE ELECTION COMMISSION OF PAKISTAN

PRESENT:

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

Case No. F. 8(3)/2024-Law-III

In Ref: ELECTION PETITION UNDER SECTION 142 OF THE ELECTION ACT, 2017 READ WITH ALL OTHER ENABLING PROVISIONS OF LAW

APPLICATION FOR TRANSFER OF ELECTION PETITION U/S 151 OF ELECTION ACT

Raja Khurram Shehzad Nawaz,

....Petitioner

Versus

Syed Muhammad Ali Bokhari

.....Respondent

For the Petitioner : In person along with Raja Faisal, Advocate

For the Respondent : In person along with Hassan Sajjad, ASC and Zakir Arif, ASC,

Date of Hearing : 07-06-2024

ORDER

JUSTICE (R) IKRAM ULLAH KHAN Petitioner has filed the instant petition for transferring of Election Petition No 72/2024 titled "Syed Muhammad Ali Bokhari vs. Election Commission of Pakistan and others" pending before learned Election Tribunal (herein after referred as "the Tribunal"), Islamabad to any other Tribunal, on various legal and factual grounds mentioned in the transfer application.

02. The Election Petitioner Syed Muhammad Ali Bukhari (respondent herein) has challenged the Election to National Assembly of Pakistan (NA-48 ICT-III) before the learned



Election Tribunal Islamabad. During the course of pendency of the election petition, the applicant being aggrieved from the conduct of the proceedings before the Tribunal on various factual and legal grounds has approached this Commission by filing the instant application for transfer of the Election petition under Section 151 of the Elections Act, 2017 (herein after referred as "the Act, 2017").

03. On receipt of the subject application, the Commission fixed the application for preliminary hearing on 05-06-2024. After hearing the learned counsel for the applicant, the application was admitted for regular hearing and it was directed to issue notices to all the respondents for 06-06-2024. In the meanwhile, it was further directed that record from the Election Tribunal Islamabad be requisitioned.

04. Learned counsel for the applicant contended that the proceedings before the Learned Election Tribunal is in contravention of the provisions of the Act and Rules, 2017 framed there under; he further contended;

1. *that the Learned Election Tribunal has treated the subject election petition as a civil suit in utter disregard of law of elections whereby, a hopelessly time-barred and incompetent petition is admitted for regular hearing;*
2. *that, the applicant has been declared as a returned candidate under section 98 of the Act, 2017 by the Commission on 11.02.2024 and the notification has been published in the official gazette on 13.02.2024;*
3. *that any contesting candidate is required under the provisions of section 142 of the Act, 2017, if he so advises, may challenge the elections by filing an election petition within 45 days, which is a mandatory requirement, entailing penal consequences, mentioned under section 145(1) of the Act, 2017 and in term of Rules 140 of the Rules, 2017, neither the Learned Election Tribunal nor office of the Learned Tribunal is vested with the jurisdiction, to provide any grace period for removing any legal defect in the election petition;*
4. *that the registrar Islamabad High Court being unauthorized authority has extended time for seven days to the Respondent to cure the defects in the Election Petition filed before the Election Tribunal which is against the spirit of Law and Rules;*
5. *that election petition in term of section 142 of the Act, 2017 shall be presented before the Learned Election Tribunal, notified for the purpose,*

