

ELECTION COMMISSION OF PAKISTAN

PRESENT

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

CASE No.F.8(2)/2024-Law-III

Subject: 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

Dr. Fazal Tariq Choudhry

.....Petitioner(s)

VERSUS

Mr. Shoaib Shaheen & Other

.....Respondent(s)

For the Petitioner : Waqas Ahmed Mir, ASC & Hammad Hussain,
AHC
For the Respondent : In person
Date of hearing : 01-10-2024

ORDER


Sikandar Sultan Raja, Chairman- The matter is fixed for submission of amended application by the applicant and written reply by the respondent. Counsel for the applicant appeared and filed amended application, the copy of which is handed over to the respondent. Mr. Shoaib Shaheen raised objection regarding acceptance of the request of the applicants to amend the application upon his verbal request without filing of a written application by him. He requested time to file written reply of the main petition along with amended petition. Request is allowed and the respondent is directed to file the written reply on or before the next date of hearing with advance copy to the counsel for the applicant.




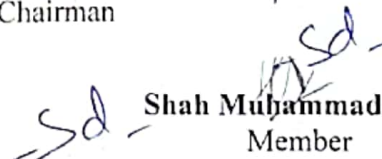
2. The counsel for the applicant stated that he has filed supplementary/ additional submissions and no additional grounds have been raised in the supplementary submissions and there is no need to file additional reply by the respondents. Learned counsel for the Applicant also requested that if the respondent party has objection on the filing of supplementary submissions, the Commission can ignore them and he can argue the point during the course of arguments. He also highlighted that the Election Petition in the subject case is fixed for hearing before the Election Tribunal and it would be in the interest of justice that during pendency of the transfer application, the Commission may pass an order to the Election Tribunal not to proceed with the Election Petition till the final outcome of pending transfer application before the Commission. He also stated that otherwise the Commission may direct the Election Tribunal not to pass the final order till the decision of the transfer application.

3. We have gone through the original transfer application and additional/ supplementary submissions submitted by the counsel for the applicant today and observed that the grounds raised by the applicant could not be decided without requisition of original record of Election Petition No.73/2024. Therefore the office is directed to issue a letter to the Election Tribunal to produce the original record of Election Petition No.73/2024 before the Commission on the next date of hearing.

4. The matter is adjourned for **04-10-2024** for filing of submission of written reply by the respondent, for arguments and production of original record by the Election Tribunal.


Sikandar Sultan Raja
Chairman


Nisar Ahmed Durrani
Member


Shah Muhammad Jatoi
Member

Justice (R) Ikram Ullah Khan
Member

