

ELECTION COMMISSION OF PAKISTAN

MR. SIKANDAR SULTAN RAJA,	CHAIRMAN
MR. NISAR AHMED DURRANI,	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 UNDER SECTION 151 OF THE ELECTIONS ACT, 2017.

Dr. Tariq Fazal Chaudhary	: in person along with Ghulam Murtaza Khan Advocate.
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Date of hearing	: <u>04-06-2024</u>
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ORDER

-sd- **Sikandar Sultan Raja, Chairman-** Petitioner has filed the instant application under Section 151 of the Elections Act, 2017 for transfer of Election Petition No. 73 of 2024 filed by Mr. Muhammad Shoaib Shaheen before the Election Tribunal Islamabad.


02. Learned counsel for the Petitioner contended that as the Respondent is a practicing lawyer of Islamabad High Court, Islamabad and keeping in view the procedure adopted by the learned Tribunal, its seems to be not impartial.

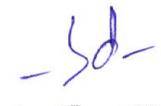
03. That it is the Constitutional requirement envisaged there-under Article 222(d) of the Constitution, 1973 that Parliament may by law provide for the conduct of Elections and the Election Petitions, decision of doubts and dispute arising in connection with the election and the procedure for presentation of the Election Petition has been provided under Section 142 to 145 of the Elections Act, 2017 read with Rule 140 of the Election Rules, 2017 but the learned Election Tribunal has assumed the jurisdiction of learned High Court and apparently acted in the mode and manner as that if a High Court, bypassed and ignored all legal objections and restrictions imposed by law, while admitting an incompetent and time bared Election Petitions, which leads the Petitioner to question the impartiality of the learned Tribunal.



04. Point raised needs consideration. Therefore, the application is admitted for regular hearing and office is directed to issue notice to the Petitioner in the Election Petition mentioned above and Election Tribunal is directed to submit the record before the Commission.

03. Relist for 06.06.2024


Sikandar Sultan Raja
Chairman


Nisar Ahmed Durrani
Member


Justice (R) Ikram Ullah Khan
Member

