

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**Present:**

**Mr. Justice Sh. Azmat Saeed**

**Mr. Justice Ijaz ul Ahsan**

**Mr. Justice Munib Akhtar**

**CIVIL PETITION NO.2853 OF 2018**

(On appeal from the judgment dated  
5.7.2018 passed by the Lahore High  
Court, Lahore in W.P.No.223699/18)

Sardar Confcius Imam Qasrani ...Petitioner (s)

Vs.

Sardar Mir Badshah Khan Qaisrani ...Respondent (s)  
& another

For the Petitioner (s) : Mr. M. Raheel Kamran Sheikh, , ASC  
Mr. Azhar Nawaz Chaudhry, AOR

For Respondents : N.R.

Date of hearing : 19.07.2018.

**ORDER**

As per the report, the private respondent has not been personally served as he was not available at his address though copies of the summons were pasted at his door. There is also a statement that perhaps he may have been informed telephonically. Learned counsel for the petitioner states that the private respondent is deliberately avoiding service.

2. It is contended by the learned counsel that the Respondent is not qualified in view of the Order

of this Court dated 18.07.2013 which constitutes a declaration in terms of Article 62(1)(f) of the Constitution of the Islamic Republic of Pakistan, 1973, hence, the Respondent is not qualified to contest the elections. Furthermore, the Respondent in pursuance to the said Order was prosecuted and convicted and such conviction still holds the field though the matter is subjudice before the learned High Court as the conviction has neither or could have been suspended.

3. To consider, *inter alia*, the aforementioned questions, leave to appeal is granted. Since interpretation of the Constitution may be involved, notice under Order XXVII-A of the CPC may be issued to the learned Attorney General for Pakistan.

4. Needless to say that obviously the result of the election would be subject to the outcome of these proceedings.

JUDGE

JUDGE

JUDGE

Islamabad, the  
19<sup>th</sup> July, 2018  
Not Approved For Reporting  
Nisar/\*