

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.2814 OF 2018

(On appeal from the judgment dated
5.7.2018 passed by the Lahore High
Court, Lahore in W.P.No.223299/18)

Waseem Zafar Jutt

...Petitioner (s)

Vs.

Mian Muhammad Amjad Joya etc.

...Respondent (s)

For the Petitioner (s) : Mr. Abdul Ghaffar, ASC
Ch. Akhtar Ali, AOR

For Respondent No.1 : Mr. Muhammad Munir Peracha, ASC

Date of hearing : 19.07.2018.

ORDER

SH. AZMAT SAEED, J.- In the instant case the nomination papers of the private respondent candidate were accepted. The petitioner who is also a candidate, filed an appeal before the learned Appellate Tribunal, which was rejected on the ground of non-maintainability, which order was maintained in the Constitution Petition by way of the impugned order dated 5.7.2018.

2. It is the case of the Petitioner that in terms of Section 63 of the Elections Act, 2017, an appeal can be filed by a candidate against acceptance of the Nomination Papers of an opposing candidate and the fora below have misconstrued the law. The learned counsel for the Respondent has contended that even otherwise the Constitutional Petition filed by the Petitioner was not maintainable, more particularly, in view of Article 225 of the Constitution of the Islamic Republic of Pakistan, 1973.

3. Leave to appeal is granted, *inter alia*, to consider the aforementioned questions.

JUDGE

JUDGE

JUDGE

Islamabad, the
19th July, 2018
Not Approved For Reporting
*Nisar/**