

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J

MR. JUSTICE IJAZ AHMED CHAUDHRY

MR. JUSTICE GULZAR AHMED

CIVIL APPEAL NO. 427 OF 2013

Moulana Agha Muhammad

.... Appellant

Versus

Returning Officer, NA 261 Pishin cum Ziarat & others

.... Respondents

For the Appellant

Mr. Kamran Murtaza, ASC

For the Respondents

Nemo

For the Applicant
(in CMA No.3012/13)

Mr. Muhammad Ikram Chaudhry, ASC

Date of hearing

31.5.2013

ORDER

In this case petitioner's nomination papers were rejected for the elections from NA 261 Pishin cum Ziarat vide order dated 7.4.2013 and against the rejection of nomination papers appeal filed by him also failed before the Election Tribunal, Balochistan at Quetta on 17.4.2013. Against both these orders petitioner preferred a Constitution Petition before the High Court of Balochistan, Quetta, which was dismissed on 19.4.2013 through a short order followed by detailed reasons dated 6.5.2013. Against the order of the learned High Court Civil Petition for Leave to Appeal was filed in which leave to

appeal was granted on 23.4.2013. Simultaneously the operation of all the three orders dated 7.4.2013, 17.4.2013 and 19.4.2013 operating against the appellant was suspended.

2. Learned counsel for the appellant stated that appellant has been declared successful and a notification has also been issued. We have pointed out to him that the result of the election shall be subject to the decision of the appeal pending before this Court, therefore, in the interest of justice we restrain the appellant from taking oath of the office of the Member of National Assembly NA 261 Pishin cum Ziarat. However, no sooner the appeal is decided the law shall take its own course. At the request of the learned counsel hearing is adjourned to **12th June, 2013**.

3. Mr. Muhammad Ikram Chaudhry, learned ASC has submitted an application (CMA No.3012/2013) for impleadment. Notice of the same be issued to the appellant as well as to the respondents. In the meanwhile notice to the learned Attorney General for Pakistan and the Election Commission be also issued.

Chief Justice

Judge

Judge

Islamabad
31.5.2013
(Zulfiqar)