

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.R.No.10/2016

Election Commission of Pakistan and another
Versus
Mian Muhammad Shafi and others

Sr. No. of order / Proceedings	Date of Order /Proceedings	Order with signature of Judge and that of parties or counsel where necessary
--------------------------------	----------------------------	--

05.07.2019: M/s M. Munir Paracha, Nauman Munir Paracha, Advocate for the petitioner, M/s Barrister Gohar Ali Khan, Sanauallah Zahid, and Binyamin Abbasi, Advocate for the respondents.

These cases were argued at length. During the course of the hearing, the learned counsel for respondent No.1 sought some time to take instructions.

2. After taking instructions, learned counsel for respondent No.1 has submitted that he would have no objection if writ petition No.1376 /2016, is allowed to the extent of setting-aside the order dated 19.11.2015, passed by the Court of the learned Additional District Judge, West, Islamabad as well as order dated 27.07.2015, passed by the Court of the learned Civil Judge, Islamabad. He further submitted that the order dated 25.07.2015, whereby respondent No.1's application for withdrawal of the suit to the extent of the Election Commission of Pakistan should also be set-aside, and suit instituted by respondent No.1 be decided on merit in accordance with the law. Learned counsel further submitted that he should apply for appropriate amendments in the suit so as to challenge the order of the Election Commission by

which respondent No.1 is aggrieved.
Order accordingly.

3. In view of the above, the instant civil revision petition is allowed to the above extent, whereas writ petition No.1376/2016, is dismissed as withdrawn with permission to the petitioner therein either to institute the suit before the learned Civil Court or to amend his instituted suit.

4. Learned counsel for the petitioner in writ petition No.1125/2019 submitted that he would also make an appropriate application before the learned Civil Court for his impleadment. He may do so. In this view of the matter, writ petition No.1125/2019 is dismissed as withdrawn.

5. Since the interim order is already in the field which shall continue until the next date fixed before the learned Civil Court. It is for the learned Civil Court to decide whether or not to extend the same.

6. This issues with the consent of the learned counsel for contesting parties present in the Court. Since matter has been pending for a long time, it is expected that the learned Civil Court shall decide the same expeditiously and preferably within a period of six months from the date of the receipt of this order.

(MIANGUL HASSAN AURANGZEB)
JUDGE

*Sultan**