

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Justice Shahid Waheed  
Justice Salahuddin Panhwar  
Justice Aamer Farooq

**C.A.202/2025**

(Against the judgment dated 28.01.2025 passed by the Lahore High Court, Lahore (Election Tribunal) in Election Petition No.22232/2024)

Ammar Bashir ...Applicant(s)

**Versus**

Irfan Shafi Khokhar & others ...Respondent(s)

For the Applicant(s) : Barrister Tassaduq Hanif, ASC

ECP : Yasir Ali Raja, Director Law  
Zaheer Abbas, AD Law

Date of Hearing : 09.05.2025

**JUDGMENT**

**Shahid Waheed, J:** This case centres around an electoral matter involving the contest for a seat in the Provincial Assembly of Punjab from the constituency PP-167 (Lahore-XXIII). The appellant before us was a candidate who faced defeat in the election process. He had challenged Notification No.F.2(6)/2024-Cord., dated 17<sup>th</sup> of February, 2024, which was issued by the Election Commission of Pakistan. This notification declared respondent No.1, Irfan Shafi Khokhar, the successful candidate elected to the Provincial Assembly from this constituency. The appellant asserted his challenge based on two primary allegations. First, he claimed that the consolidation of election results was conducted unfairly, contending that Forms-45, which were issued to the Polling Agents, were discarded with malicious intent during the process. Second, he alleged that corrupt practices marred the integrity of the polling day itself, suggesting that these irregularities directly influenced the election outcome. However, the appellant's petition was found lacking in proper legal format and, as a result, was rejected by the Election Tribunal (**the Tribunal**) by a judgment rendered on 28<sup>th</sup> of January, 2025.

2. The solitary question that falls for our determination is simple: whether the Tribunal was justified in deciding against the appellant solely on the grounds of non-compliance with the procedural requirements for filing an election petition.

3. Before delving into the moot question, it is essential to clarify that Article 225 of the Constitution establishes a clear framework relating to disputes over elections to a House or a Provincial Assembly. Specifically, it stipulates that any challenge to such elections can only be initiated through an election petition that must be submitted to a designated Tribunal, following procedures determined by the Act of Majlis-e-Shoora (Parliament). The legislation that operationalises this constitutional provision is the Elections Act, 2017. This Act encompasses the entire election process, beginning with the issuance of a notification that calls upon a specific constituency to elect its representative(s). It extends through to the final resolution of any disputes that may arise regarding the election outcome. Various provisions within the Elections Act, 2017, address different stages of this process, thereby creating a comprehensive legal framework governing elections. Consequently, it is important to note that no election to a House or a Provincial Assembly can take place except as specified in the Elections Act, 2017. Similarly, any challenge to such an election must adhere strictly to the protocols established by this legislation. The Elections Act, 2017, functions as a fully self-contained code, meaning that any assertions or claims about elections or electoral disputes must be within its provisions. This framework implies that the right to contest an election is not inherent but is instead a construct of statute and is, consequently, subject to specific statutory limitations. An election petition, as defined under the Act, constitutes a statutory procedure where standard principles of equity and common law do not apply; rather, the process is governed exclusively by the rules and regulations set forth within the statute itself. Moreover, the jurisdiction exercised in matters of election disputes is both unique and restricted, necessitating strict adherence to the statutory guidelines that establish it. As such, when examining the trial of election disputes, the Tribunal operates within a defined framework that restricts its flexibility, as it must comply with the explicit dictates of the Elections

Act, 2017. In light of this context, we proceed to assess whether the election petition filed by the appellant aligned with the requirements laid out in the Elections Act, 2017.

4. The objection raised regarding the appellant's election petition was rooted in the assertion that it could be subject to dismissal under Section 145 of the Elections Act, 2017. This assertion was based on the appellant's failure to comply with the verification procedures explicitly mandated by the Code of Civil Procedure, 1908 (Act V of 1908). It is now well recognised that the verification of an election petition is a fundamental requirement as stipulated in sub-section (4) of Section 144 of the Elections Act, 2017. Such verification must be conducted in accordance with the detailed processes outlined in Order VI Rule 15 of the Code of Civil Procedure, 1908 (**CPC**). It is important to emphasise that, under the Elections Act of 2017, verifying an election petition though requires the submission of an oath that aligns with civil law; this process carries significant penal consequences. The oath serves as a vital element in the validation of an election petition. There are several critical reasons for this: first, it serves to establish accountability for the statements and claims made within the petition, binding the individual who signs the verification to the accuracy and truthfulness of the contents. Second, it aims to deter the submission of baseless and reckless allegations that lack factual substantiation. Third, the success of a candidate who has been elected should not be overturned lightly, as such actions could undermine the democratic process. Fourth, nullifying an election carries serious implications not only for the elected representatives and their constituency but also for the broader public, particularly since conducting a re-election involves substantial expenditures from public funds and administrative resources. Fifth, the introduction of false claims not only burdens the Tribunal with unnecessary work, consuming time that could be dedicated to genuine cases, but also obstructs those who truly seek justice through the legal system. The law, therefore, mandates that parties approaching the Tribunal do so with legitimate grievances grounded in factual truth. When false information is presented under oath, or when deceptive evidence is submitted in an attempt to mislead the Tribunal and challenge the electoral verdict, such

misconduct is treated with utmost seriousness. Consequently, the requirement of verification on oath is not merely procedural; it is compulsory. This verification process mustn't be treated as a routine formality by the deponent. Instead, as a solemn declaration, it must be formally attested by an Oath Commissioner or any authorised officer who is competent to administer oaths under section 139 CPC, ensuring that the Oath has been correctly, physically, and authentically administered to the election petitioner or deponent. This meticulous process not only upholds the integrity of the electoral system but also reinforces the seriousness of the claims being made.

5. The mode and manner of the attestation of the verification by the Oath Commissioner have been clearly established by this Court in numerous cases<sup>1</sup>. Among the essential requirements for valid attestation of the verification are the following: (i) it must explicitly state the date and place of its making, ensuring that the context of its execution is clear<sup>2</sup>; (ii) it must clearly indicate the presence of the election petitioner before the Oath Commissioner, affirming that the deponent was physically present during the attestation process<sup>3</sup>; and (iii) the identification of the election petitioner must be accurately referenced, in particular by using their Computerized National Identity Card, providing a reliable means of confirming their identity<sup>4</sup>. These requirements are not mere formalities; rather, they are mandatory in nature, as non-compliance entails penal consequences including rejection of the election petition, reflecting the binding legislative intent that a statutory act must be performed strictly in the prescribed manner.<sup>5</sup>

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<sup>1</sup> Zafar Abbas v. Hassan Murtaza (PLD 2005 SC 600), Inayatullah v. Syed Khursheed Ahmed Shah (2014 SCMR 1477), Hina Manzoor v. Malik Ibrar Ahmed and others (PLD 2015 SC 396), Lt.-Col. (Rtd.) Ghazanfar Abbas Shah v. Mehr Khalid Mehmood Sargana & others (2015 SCMR 1585), Feroze Ahmed Jamali v. Masroor Ahmad Khan Jatoy and others (2016 SCMR 750).

<sup>2</sup> Lt.-Col. (Rtd.) Ghazanfar Abbas Shah v. Mehr Khalid Mehmood Sargana & others (2015 SCMR 1585)

<sup>3</sup> Lt.-Col. (Rtd.) Ghazanfar Abbas Shah v. Mehr Khalid Mehmood Sargana & others (2015 SCMR 1585), Feroze Ahmed Jamali v. Masroor Ahmad Khan Jatoy and others (2016 SCMR 750).

<sup>4</sup> Lt.-Col. (Rtd.) Ghazanfar Abbas Shah v. Mehr Khalid Mehmood Sargana & others (2015 SCMR 1585), Muhammad Ibrahim Jatoy v. Aftab Shaban Mirani (2016 SCMR 722).

<sup>5</sup> Zafar Abbas v. Hassan Murtaza (PLD 2005 SC 600), Malik Umar Aslam v. Sumera Malik (PLD 2007 SC 362), Zia Ur Rehman v. Syed Ahmed. Hussain (2014 SCMR 1015)

6. Considering the requirements delineated above, the attestation confirming the verification of the election petition, performed by the Oath Commissioner, has been thoroughly examined. In this particular case, the Oath Commissioner affixed his rubber stamp below the verification statement, which bears the following inscription:

Declared on oath before me  
On 3.4.24  
Mr. Ammar Bashir  
S/o Bashir Ahmad  
R/O \_\_\_\_\_  
Identified by \_\_\_\_\_  
Sd/-  
(Muhammad Younus Malik Inam)  
Oath Commissioner/ Advocate  
Lahore High Court, Lahore  
Notification No.65/General/X.B.9(b)1.  
Date Lahore 13.3.2022  
Term Expiry Date: 9.4.2025

An examination of the rubber stamp affixed by the Oath Commissioner reveals significant discrepancies regarding the presence of the appellant during the verification process. It is evident that the appellant was not physically present at the time the verification occurred, primarily because he was not identified by any person nor by his computerised national identity card. Moreover, the stamp fails to provide clarity on the specific location and circumstances under which the oath was administered, thereby raising further questions about the validity of the proceedings. The phrase “declared on oath before me,” inscribed in the stamp, lacks the necessary specificity and is inherently ambiguous. It does not clarify what specific declaration was made under oath, nor does it confirm whether the contents of the verification were indeed presented as sworn testimony before the Oath Commissioner. This ambiguity fundamentally undermines the assurance required for proper attestation of verification. Consequently, it leads to an inescapable conclusion: the verification of the election petition did not adhere to the legal standards set forth by this Court.

7. In conclusion, we hold that the Tribunal has thoroughly examined the election petition and has reached a well-founded decision to reject it. Therefore, this appeal, lacking substantial merit and failing to present any compelling arguments,

does not warrant further consideration. Consequently, we hereby dismiss the appeal.

**Judge**

**Judge**

**Judge**

Islamabad  
09.05.2025  
APPROVED FOR REPORTING  
Rashid+Libah Nadeem\*/