

SUPREME COURT OF PAKISTAN

CONSTITUTIONAL BENCH

(Review Jurisdiction)

Present

Justice Amin-ud-Din Khan, Senior Judge
Justice Jamal Khan Mandokhail
Justice Muhammad Ali Mazhar
Justice Syed Hasan Azhar Rizvi
Justice Musarrat Hilali
Justice Naeem Akhter Afghan
Justice Shahid Bilal Hassan
Justice Muhammad Hashim Khan Kakar
Justice Aamer Farooq
Justice Ali Baqar Najafi

**Civil Review Petition No.312/2024 in C.A. No.333/2024 &
Civil Review Petition No.313/2024 in C.A. No.334/2024 &
Civil Review Petition No.319/2024 in C.A. No.333/2024 &
Civil Review Petition No.320/2024 in C.A. No.334/2024 &
Civil Review Petition No.331/2024 in C.A. No.333/2024 &
Civil Review Petition No.332/2024 in C.A. No.334/2024**

(For review of judgment of this court dated 12.07.2024
passed in C.A.No.333 & 334 of 2024)

and

Civil Review Petition No.1264/2024 in C.A. No.333/2024

(For review of judgment of this court dated 14.09.2024 passed
in C.M.As. 7540 & 8139 of 2024 in C.A.No.333 & 334 of 2024)

and

Civil Review Petition No. 1272/2024 in C.A. No. 333/2024

(For review of judgment of this court dated 12.07.2024 passed
in C.A.No.333 & 334 of 2024)

and

Civil Misc. Application No.5084/2025 in C.R.P. No.312/2024

(Application for impleadment of Govt. of KPK as party)

Pakistan Muslim League (N) through its President
Lahore and others (in C.R.P.312 & 313/2024)

Pakistan People's Party Parliamentary (PPPP),
Islamabad (in C.R.P.319 & 320/2024)

Election Commission of Pakistan through its Secretary,
Islamabad (in C.R.P.331, 332 & 1264/2024)

Huma Akhtar Chughtai and others (in C.R.P. 1272/2024)

...Petitioners

Versus

Sunni Ittehad Council through its Chairman,
Faisalabad and others (in all cases)

...Respondents

For the Petitioners:

Mr. Makhdoom Ali Khan, Sr. ASC
Mr. Saad Mumtaz Hashmi, ASC
Assisted by Yawar Mukhtar, Advocate
(CRPs. 312 & 1272/24)

Barrister Haris Azmat, ASC
assisted by M/s. Qasim Sheikh and Awais
Anwar, Advocates
(CRP.313/2024)

Mr. Asad Abbasi, ASC
(on behalf of Mr. Farooq H. Naek, Sr. ASC)
(CRPs. 319 & 320/24)

Mr. Sikandar Bashir Mohmand, ASC
Mr. Taimoor Aslam Khan, ASC
Assisted by M/s Hamza Azmat Khan,
Abdullah Noor and Barrister Khizer Hayat
Advocates

Syed Rifaqat Hussain Shah, AOR
Mr. M. Arshad, Spl. Secy. (Law)
Mr. Zafar Iqbal, Spl Secy.
Mr. Khurram Shehzad, ADG (Law)
Mr. Yasir Ali Raja, Dir. (Law)
Mr. Asad Ali, Dy. Dir. (Law)
Ms. Saima Tariq Janjua, Dy. Dir. (Law)
(CRPs.331, 332 & 1264/24)

On Court's Notice:

For the Federation:

Mr. Mansoor Usman Awan, AGP
Ch. Aamir Rehman, Addl. AG
assisted by M/s. Maryam Ali Abbasi,
Saad Javid Satti, Advocates and Ms.
Maryam Rashid and Barrister Maryam
Janjua, Consultants

For Province of Punjab:

Mr. Muhammad Amjad Pervaiz, AG
Mr. Waseem Mumtaz Malik, Addl. AG
Mr. Sanaullah Zahid, Addl. AG
Rao Muhammad Aurangzeb, AAG
assisted by Mr. Muhammad Adil Chatha,
Sr. Consultant

For Province of KPK:

Syed Kausar Ali Shah, Addl. AG
Mr. Zahid Yousaf Qureshi, AOR
(also for the applicant in CMA No.5084/2025)

For Province of Balochistan:

Mr. M. Ayaz Khan Swati, Addl. AG
Mr. Tahir Iqbal Khattak, Addl. AG

For Province of Sindh:

Mr. Suresh Kumar, Addl. AG
(via video link from Karachi)

For ICT:

Mr. Ayyaz Shaukat, AG
Dr. Mirza Muhammad Usman, AOR

For the Respondents:

For Sunni Ittehad Council:

Mr. Hamid Khan, Sr. ASC
Mr. Ajmal Ghaffar Toor, ASC
(in CRPs.1264/2024)

Mr. Faisal Siddiqui, ASC
assisted by Mr. Muhammad Ammar Rafique, Advocate

Ms. Tehmina Ambreen, AOR
(in CRPs.312, 313, 320, 331, 332 & 1272/24)

Mr. Salman Akram Raja, ASC
assisted by M/s. Raja Hamza Anwar, Atira Ikram, Wanya Qureshi, Muhammad Ali Talib, Muhammad Hamza Aslam, Malik Ahsan Mehmood and Malik Ghulam Sabir Advocates
(in CRPs.319/24)

For Election Commission of Pakistan

Mr. Sajeel Sheryar Swati, ASC
Mr. Anis Muhammad Shahzad, AOR
(in CRPs.312 & 319/2024)

Other respondents:

Nemo

Dates of Hearings:

6th, 7th, 13th, 19th, 20th to 22nd, 26th, 27th, 29th May, 16th to 20th, 26th and 27th June, 2025.

Short Order

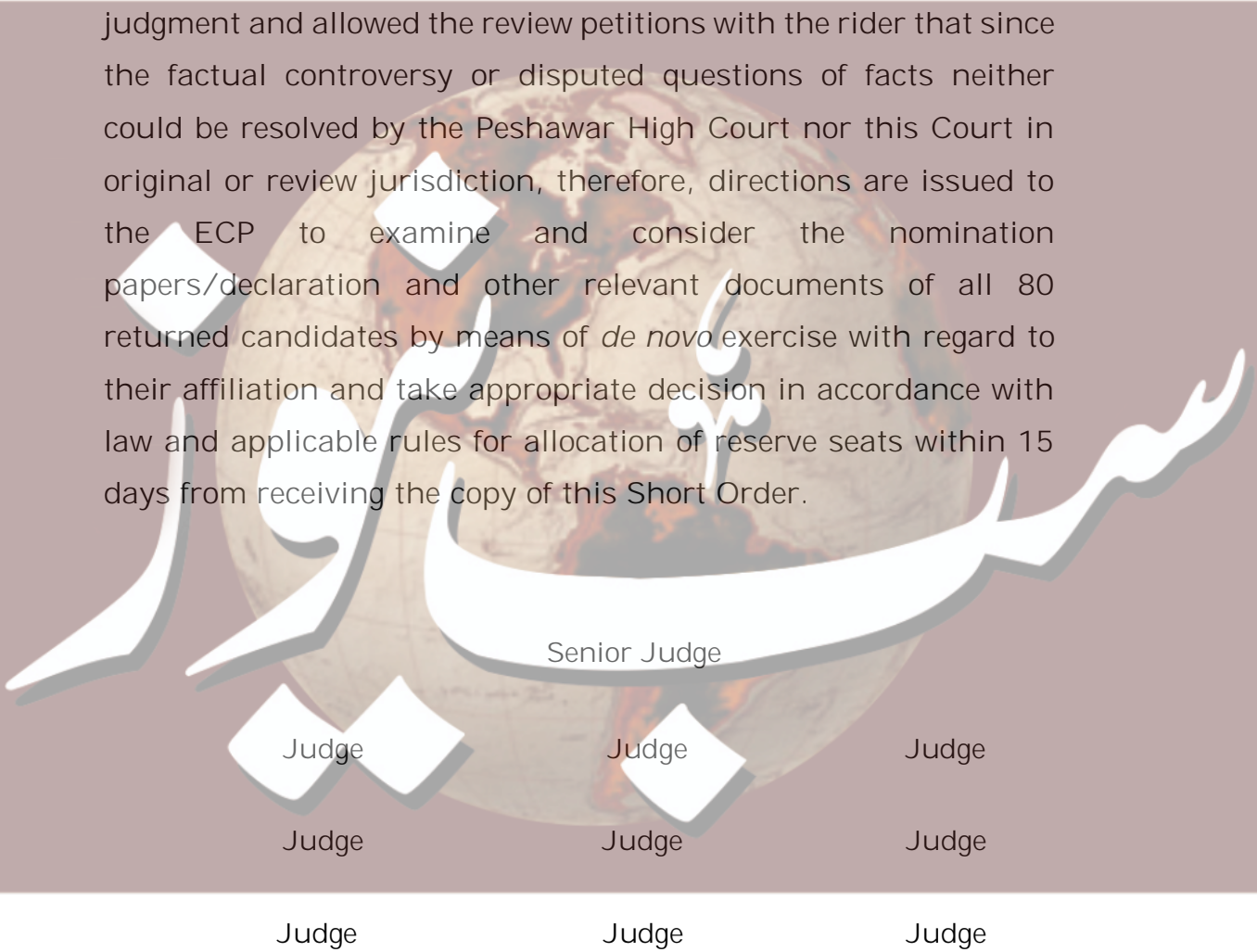
Today, at the verge of conclusion, one of the Hon'ble members of the larger Bench (Mr. Justice Salahuddin Panhwar) for certain reasons, recused to continue his sitting in this Bench and contributed his separate note, therefore, the Bench was reconstituted with all the available members of the Constitutional Bench. Initially this Constitutional Bench was constituted for hearing of the aforesaid review petitions by 13 Hon'ble Judges of this Court but two of them (Justice Ayesha A. Malik and Justice Aqeel Ahmed Abbasi) on the first date of hearing have dismissed all the review petitions.

For detailed reasons to be recorded later, subject to amplification or elucidation as may be deemed appropriate, by majority of 7 (Justice Amin-ud-Din Khan, Senior Judge, Justice Musarrat Hilali, Justice Naeem Akhter Afghan, Justice Shahid Bilal Hassan, Justice Muhammad Hashim Khan Kakar, Justice Aamer Farooq and Justice Ali Baqar Najafi), all Civil Review Petitions are allowed

and the impugned majority judgment dated 12.07.2024 is set aside, as a consequence thereof, Civil Appeal Nos. 333 of 2024 and 334 of 2024 filed by the SIC are dismissed and the judgment rendered by the Peshawar High Court, Peshawar is restored.

Whereas, Justice Jamal Khan Mandokhail, for reasons to be recorded later, partly allowed the review petitions and maintained his original order with regard to 39 seats but reviewed the majority judgment to the extent of 41 seats.

Whereas Justice Muhammad Ali Mazhar and Justice Syed Hasan Azhar Rizvi, for reasons to be recorded later, also reviewed the judgment and allowed the review petitions with the rider that since the factual controversy or disputed questions of facts neither could be resolved by the Peshawar High Court nor this Court in original or review jurisdiction, therefore, directions are issued to the ECP to examine and consider the nomination papers/declaration and other relevant documents of all 80 returned candidates by means of *de novo* exercise with regard to their affiliation and take appropriate decision in accordance with law and applicable rules for allocation of reserve seats within 15 days from receiving the copy of this Short Order.



Islamabad
27 June 2025.
Mazhar Javed Bhatti/Umar
Approved for reporting