



**REPUBLIC OF MALAWI  
IN THE HIGH COURT OF MALAWI  
LILONGWE DISTRICT REGISTRY  
ELECTORAL MATTER NO. 11 OF 2025**

**MIKE CHIMZUKILA**

**CLAIMANT**

**-AND-**

**MALAWI ELECTORAL COMMISSION**

**(ATTORNEY GENERAL)**

**DEFENDANT**

**CASE SUMMARY**

**PARTIES: CHIMZUKILA V MALAWI ELECTORAL COMMISSION**

**PRESIDING JUDGE: HON. JUSTICE GLORIA ALINAFE NAMONDE**

**DELIVERED ON: 24<sup>TH</sup> SEPTEMBER, 2025**

**BRIEF FACTS**

The claimant, Mike Chimzukila, applied for an interlocutory injunction to restrain the Malawi Electoral Commission (MEC) from announcing results or recognizing any winner for the Bwaila Constituency parliamentary election held on 16 September 2025. The application was initially filed without notice but was subsequently directed to be heard with notice due to procedural concerns.

**THE LEGAL ISSUE**

Whether an interlocutory injunction can be granted in the absence of substantive proceedings.

## **THE FINDING**

- The application, made under Order 10 Rule 27 of the Courts (High Court) (Civil Procedure) Rules, 2017 (CPR) which governs interlocutory orders in ongoing proceedings, lacked a basis as no substantive proceedings had been commenced to support it.
- The matter being electoral in nature, the appropriate procedural route should have been under Order 19 of the CPR, which specifically governs electoral disputes.

## **THE ORDER**

- The application, having been brought under incorrect legal provisions and in the absence of any subsisting proceedings, is hereby dismissed.

***DISCLAIMER - NB:** The High Court of Malawi and the Honourable Judge are not bound by this explanatory note, which is provided by the Office of the Chief Registrar to facilitate public understanding of this case and to assist the media in reporting on it. Readers are encouraged to read the judgment/ ruling of the court.*

**Access the Ruling: <https://www.judiciary.mw/node/807>**