



REPUBLIC OF MALAWI
THE JUDICIARY
IN THE MALAWI SUPREME COURT OF APPEAL
SITTING AT BLANTYRE
MSCA CIVIL APPLICATION No. 49 OF 2025
(Being an application against the decision of the High Court of Malawi,
Lilongwe District Registry, Electoral Case No. 01 of 2025)

BETWEEN:

JOHNSTONE NDHLOVU

APPLICANT

AND

MALAWI ELECTORAL COMMISSION

RESPONDENT

CASE SUMMARY

PARTIES: ***NDHLOVU v MEC***

PRESIDING JUSTICES: *Chikopa, SC DCJ; Kapanda, SC JA; Potani, SC JA;
Katsala, SC JA; Chatha-Kamanga, SC JA;
Mbvundula, SC JA; nyaKaunda Kamanga, SC JA.*

DELIVERED ON: 16th September 2025

1. **BRIEF FACTS:** The Applicant sought an order of stay of the High Court's judgment excluding him from the list of parliamentary candidates for the Lilongwe City Ngwenya Constituency for the general elections due to payment of insufficient nomination fees, pending his appeal to the Malawi Supreme Court of Appeal. The applicant filed a certificate of extreme urgency because the

tripartite general elections were scheduled for 16th September 2025, and proceeding with them could render the Applicant's appeal nugatory.

2. *THE LEGAL ISSUE*: Whether the applicant should be granted an order of stay/suspension of the judgment of the High Court.

3. *THE FINDING*

- On 16th September 2025, the Court dismissed the application on the grounds that it lacks procedural and substantive merits and that there are no prospects of an appeal succeeding. Procedurally, the mode of commencement is contrary to the law. Substantively, the issue of the applicant being over the age of 35 years old is not in dispute, and he acknowledges that he paid the wrong nomination fees.
- The Court found that even if there is a likelihood of an appeal succeeding, the applicant has other remedies available, even after the ongoing elections. Further, there are strong public interests that had to be deliberated on while considering the applicant's political rights. The Court determined that it is unfair and inequitable to stop the voting process, which is underway and that it is in the national interest that the voting process should proceed as scheduled.

4. *ORDER*: The Court dismissed the application and condemned the applicant in costs.

NB: *The Malawi Supreme Court of Appeal and the Honourable Justices 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 court's ruling.*