



REPUBLIC OF MALAWI
THE JUDICIARY
IN THE MALAWI SUPREME COURT OF APPEAL
SITTING AT BLANTYRE
MSCA MISCELLANEOUS CIVIL APPLICATION No. 50 OF 2025
*(being an application against the decision of the High Court of Malawi,
Zomba District Registry, Electoral Case No. 8 of 2025)*

BETWEEN:

THE STATE (on application of Julius Adam Kazembe) APPLICANT

AND

**THE CONSTITUENCY RETURNING OFFICER
MANDIMBA WARD (WARD 13901) MANGOCHI DISTRICT
(MALAWI ELECTORAL COMMISSION) RESPONDENT**

CASE SUMMARY

PARTIES: *The State v Constituency Returning Officer for Mandimba
Ward (MEC) ex. p. Kazembe*

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

DELIVERED ON: 17th September 2025

- I. *BRIEF FACTS:* The Applicant sought orders for leave to commence judicial review proceedings and an interim order of injunction restraining the Respondent from holding local government elections in Mandimba ward in Mangochi District or the counting/determining of their results until a further

order of the Court. The application was filed in the Supreme Court after the High Court of Malawi dismissed his previous attempts to challenge the Respondent's rejection of his candidacy for local government elections because he had paid incorrect nomination fees, being a nominee aged no less than 35 years old.

II. *THE LEGAL ISSUE*: The primary legal issue is whether the applicant should be granted permission to commence judicial review proceedings and the interim orders sought.

III. *THE FINDING*

- On 17th September 2025, the Supreme Court of Appeal dismissed the application for permission to apply for leave to commence judicial review proceedings for want of prosecution, due to the applicant being absent from the hearing.
- Further, the Court, after examining the application and the documents filed by both parties, determined that the application could not stand as it lacked merit. The Court found that the Applicant's nomination as a candidate for local government elections was rightly rejected because there was no dispute that he did not pay the prescribed nomination fees commensurate with his age.

IV. *ORDER*: The Court dismissed the application in its entirety. The costs of the application were awarded to the Respondent.

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.*