



**IN THE HIGH COURT OF MALAWI
LILONGWE DISTRICT REGISTRY
ELECTION PETITION NUMBER 81 OF 2025**

**IN THE MATTER OF SECTIONS 76 OF THE CONSTITUTION AND 101 OF
THE PRESIDENTIAL, PARLIAMENTARY AND LOCAL GOVERNMENT
ELECTIONS ACT & ORDER 19 RULE 13 OF THE COURTS (HIGH COURT)
(CIVIL PROCEDURE) RULES, 2017**

**IN THE MATTER OF THE UNDUE ELECTION OR RETURN OF
HONOURABLE IREEN MAMBALA AS MEMBER OF THE NATIONAL
ASSEMBLY FOR BALAKA MULUNGUZI CONSTITUENCY**

IN THE MATTER OF ELECTORAL PETITION BY JAMES MAKHUMULA

BETWEEN:

**JAMES MAKHUMULA..... PETITIONER
AND
MALAWI ELECTORAL COMMISSION..... 1ST RESPONDENT
AND
HONOURABLE IREEN MAMBALA..... 2ND RESPONDENT**

CASE SUMMARY

PARTIES: JAMES MAKHUMULA V IREEN MAMBALA & MEC

PRESIDING JUDGE: JUSTICE CHARLOTTE WEZI MESIKANO MALONDA

DELIVERED ON:

BRIEF FACTS

The petitioner filed a petition under **section 76 of the Constitution** and **section 101 of the Presidential, Parliamentary and Local Government Elections Act No 10 of 2023** [the PPLGEA]. He stated that there were the following irregularities; Unsigned Polling Station Records of Results (Form 18B), Incomplete Polling Station Record of Results (Form 18B),

Overwriting on duplicate results, Entries in ink on duplicate copies and Differences in final tally of votes between votes polled by the winner as appear in the Constituency Summary of Results and the final announced results. Differences in final tally of votes, the Petitioner alleges that the 2nd Respondent's votes moved from 8433 votes to 8,445 votes. It was also alleged that some voting materials were dispatched and delivered through motor cycles without security. The 2nd Respondent contended that the alleged irregularities did not exist on the Original Copies of the Polling Station Record of Results which were used to determine the elections. The 2nd Respondent also contended that the other allegations on discrepancy in the final tally and duplicates written in ink were based on a misguided understanding of the law and the electoral process. And that in any case they do not warrant nullification of the election

He sought the following declaration from the Court.

1. That the declaration of the winner is null and void
2. An order for fresh elections
3. Costs of the proceedings

ISSUES FOR DETERMINATION

Whether or not the elections herein were marred by irregularities?

Whether or not the elections herein were conducted in accordance with the Constitution of the Republic of Malawi and the law?

Whether or not the 1st Respondent correctly declared the 2nd Respondent as a winner?

Whether or not the elections herein should be nullified and order fresh elections?

FINDINGS

Whether or not the elections herein were marred by irregularities?

There were no irregularities established in this election based on Form 18B since the petitioner admitted that his results sheets in his possession had anomalies and that the 1st Respondent's results sheets were correct and he failed to give evidence about to discredit the results represented by 1st Respondent; the void votes were handled in accordance with the law and that there was no evidence to demonstrate how dispatch and delivery of votes impacted the electoral process and outcome. If there were any irregularities, they did not affect the outcome.

Whether or not the elections herein were conducted in accordance with the Constitution of the Republic of Malawi and the law?

the 1st Respondent did not breach their obligations under the Constitution and electoral laws, since the Petitioner had abandoned the grounds of failure to address complaints by the 1st Respondent through amendment of its petition and that it was only speculative to say that some voters were turned away as there was no evidence to support that allegation.

Whether or not the 1st Respondent correctly declared the 2nd Respondent as a winner?

The 2nd Respondent was declared as a winner and there were no irregularities established.

Whether or not the elections herein should be nullified and order fresh elections?

There were no good and sufficient grounds for declaring the election of the 2nd respondent void.

ORDERS

The Court dismissed the petition in its entirety.

Costs were awarded to 1st and 2nd Respondents.