



**REPUBLIC OF MALAWI**  
**IN THE HIGH COURT OF MALAWI**  
**LILONGWE DISTRICT REGISTRY**  
**ELECTION CAUSE NO. 76 OF 2025**  
**(Before Honourable Justice Kalemba)**

**BETWEEN**

**SYMON VUWA KAUNDA JUNIOR..... PETITIONER**

**AND**

**GERALD SYNODEN PHIRI.....1<sup>ST</sup> RESPONDENT**

**MALAWI ELECTORAL COMMISSION.....2<sup>ND</sup> RESPONDENT**

**CASE SUMMARY**

**PARTIES:** SYMON VUWA KAUNDA JUNIOR &  
GERALD SYNODEN PHIRI  
MALAWI ELECTORAL COMMISSION

**PRESIDING JUDGE:** *HON. JUSTICE B. KALEMBA*

**DELIVERED ON:** *2<sup>nd</sup> December 2025*

1. **BRIEF FACTS:** The Petitioner, Symon Vuwa Kaunda Junior, the 1<sup>st</sup> Respondent and four other candidates contested for the position of Member of Parliament of Salima Central Constituency. On or about 30<sup>th</sup> September, 2025, the 2<sup>nd</sup> Respondent, Malawi Electoral Commission (MEC), declared the 1<sup>st</sup> Respondent winner of the Parliamentary elections with 8,374 votes against the Petitioner's 6,093 votes. On 7<sup>th</sup> October, 2025 the petitioner filed an Election Petition challenging the decision of the 2<sup>nd</sup> Respondent, declaring the 1<sup>st</sup> Respondent as winner of the Parliamentary elections in the Constituency.
2. The petitioner sought the following remedie: a declaration that the 1<sup>st</sup> Respondent was not validly elected as Member of Parliament for the Constituency and that his election be declared null and void, an order directing MEC to conduct a fresh Parliamentary Election for the Constituency within the timeframe prescribed by law and an order disqualifying the 1<sup>st</sup> Respondent from participating in the fresh election.
3. **LEGAL ISSUE:** Whether or not there was an undue return or undue election as a result of irregularities in the declaration of the 1<sup>st</sup> Respondent as a winner of the Parliamentary seat in the Constituency.
4. **THE FINDING:** The Court findings were as follows:
  - (1) The Petitioner failed to prove that irregularities were grave and widespread enough to undermine the outcome under either the quantitative or qualitative test.
  - (2) The monitors' testimonies and audio/WhatsApp material were not sufficiently corroborated or documented in writing; some evidence was found unproven or inconsistent.

- (3) The specific numerical allegations (e.g., purported “fraudulent votes”) did not demonstrate a margin equal to or greater than the margin of victory.
  - (4) While imperfections existed, they did not establish that the irregularities were so grave as to render the result invalid.
  - (5) On qualitative assessment, there was no basis to describe the irregularities as grave or widespread enough to undermine the electorate’s will or the integrity of the election.
  - (6) The court referenced jurisprudence (including **Mutharika and another v. Chilima and another [2020] MELR 406**) on the proper tests and standards for electoral irregularities and relief.
5. **ORDER:** The Court ordered that the petition is dismissed with each party to bear its own costs.

***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.*