



REPUBLIC OF MALAWI  
JUDICIARY  
IN THE HIGH COURT OF MALAWI  
CIVIL DIVISION, PRINCIPAL REGISTRY  
ELECTORAL PETITION No. 68 OF 2025

*BETWEEN:*

**LYNDA KHEMBO  
AND  
MALAWI ELECTORAL COMMISSION  
GEOFFREY ONSEWA**

**PETITIONER  
  
1<sup>ST</sup> RESPONDENT  
2<sup>ND</sup> RESPONDENT**

**CASE SUMMARY**

PARTIES: *KHEMBO v MEC & ONSEWA*  
PRESIDING JUDGE: HON. JUSTICE MASOAMPHAMBE  
DELIVERED ON: 24<sup>th</sup> October 2025

I. *BRIEF FACTS*

The Petitioner filed an election petition under section 101 of the Parliamentary, Presidential and Local Government Elections Act (PPLGEA), alleging that serious irregularities occurred in the conduct of the parliamentary election and challenging the results of the parliamentary election for the Chikwawa North Constituency. She sought an interlocutory injunction to restrain the declared winner, the 2<sup>nd</sup> Respondent, from taking the oath of office and assuming the seat of Member of Parliament for the constituency, pending the final determination of the election petition.

II. *THE LEGAL ISSUES*

The preliminary legal issues that the court had to determine were whether MEC should be removed as a party to the interlocutory application and whether an injunction restraining the declared winner from being sworn in by the Chief Justice should be granted.

### III. *THE FINDING*

- a. The High Court declined the 1st Respondent's request to be removed as a party, finding that MEC must remain a party by operation of law under section 101(2) of the PPLGEA.
- b. The main finding is that an interlocutory injunction restraining a duly declared winner from taking the oath of office and assuming the seat of Member of Parliament is generally not a competent remedy within the framework of section 101 of the PPLGEA.
- c. The Court held that the statutory scheme presumes the election's validity until nullified after a full hearing.

### IV. *ORDER*

On 24<sup>th</sup> October 2025, the High Court made the following orders in its ruling concerning the Petitioner's application for an interlocutory injunction:

- a. The application for an interlocutory injunction to restrain the 2nd Respondent from taking the oath of office and assuming the seat of Member of Parliament for Chikwawa North Constituency was dismissed.
- b. The Court declined the 1st Respondent's request to be removed as a party to the application.
- c. The petitioner was condemned in costs.

**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 Court's ruling, which can be accessed on the Judiciary website: [www.judiciary.mw](http://www.judiciary.mw)*