



REPUBLIC OF MALAWI
IN THE HIGH COURT OF MALAWI
CIVIL DIVISION, LILONGWE REGISTRY
ELECTORAL PETITION No. 64 OF 2025
BETWEEN:

**JOHN MALUNGA
AND**

**DEUS TEXAS NDAZIONA BANDA GUMBA
MALAWI ELECTORAL COMMISSION**

PETITIONER

**1ST RESPONDENT
2ND RESPONDENT**

CASE SUMMARY

PARTIES: *MALUNGA v DEUS TEXAS NDAZIONA BAND GUMBA AND MEC*
PRESIDING JUDGE: HON. JUSTICE CHIPAO
DELIVERED ON: 10TH NOVEMBER 2025

i. BRIEF FACTS

The Petitioner, John Malunga, an independent candidate in the 2025 parliamentary elections for Mchinji South West Constituency, challenged the declaration of Deus Texas Ndazona Banda Gumba (MCP candidate) as the duly elected Member of Parliament. The petitioner alleged electoral irregularities and inconsistencies, including discrepancies in vote tallies, unlawful removal of his monitors from the tally centre, and misconduct by the declared winner. After MEC dismissed his complaint, Malunga appealed to the High Court under section 100 of the Presidential, Parliamentary and Local Government Elections Act (PPLGE Act) seeking an order declaring him the duly elected member, an order for recounting of votes and a declaration that the Mchinji South West Parliamentary election was materially affected by irregularities and inconsistencies.

ii. THE LEGAL ISSUES: The Court identified the following core issues for determination:

- Whether the matter was properly commenced.
- Whether the Appeal against the decision of the Respondent has merit; and

- Whether the Petitioner is entitled to the reliefs sought.

iii. *THE FINDING:* The Court held that:

- The matter was properly commenced, noting that the petition was filed under section 100 of the PPLGE Act and Order 19 of the Civil procedure rules, which govern appeals against MEC decisions.
- The Appeal lacked merit, the Petitioner having failed to substantiate alleged irregularities and inconsistencies. His evidence was based on incomplete polling station records making his figures unreliable.
- The Petitioner's claim that his monitors were unlawfully removed was unsubstantiated as no names or specific incidents were provided.
- Allegations of misconduct by the declared winner were not established.
- There was no basis to declare the Petitioner as the duly elected member of parliament or to order a recount of the votes or to declare the election void in accordance with provision of section 100(3) & (4) of the PPLGE Act.
- The absence of some monitor signatures did not occasion a non-compliance with the PPLGE Act as such signatures are not mandatory under section 93 (4) (b) of the Act

All in all, the Court concluded that the Petitioner had not demonstrated any irregularity that materially affected the election outcome and that the determination of the 2nd Respondent was flawed.

ORDER: The Court issued the following orders:

- An order dismissing the petition in its entirety.
- An order dismissing reliefs sought.
- An order of costs awarded to the second Respondent.

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*