



JUDICIARY
IN THE HIGH COURT OF MALAWI
ELECTORAL PETITION No. 67 OF 2025

IN THE MATTER OF SECTIONS 100 AND 101 OF THE PRESIDENTIAL,
PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS ACT
AND

IN THE MATTER OF THE 16TH SEPTEMBER 2025 PARLIAMENTARY
ELECTIONS FOR MACHINGA LIKWENU CONSTITUENCY, IN MACHINGA
DISTRICT

BETWEEN:

BRIGHT MSAKA, SC

FIRST PETITIONER

AND

MACDONALD MAKANJIRA

SECOND PETITIONER

AND

TULINJE MULUZI

FIRST RESPONDENT

AND

MALAWI ELECTORAL COMMISSION

SECOND RESPONDENT

CASE SUMMARY

PARTIES : *Msaka, SC & Makanjira v Muluzi & MEC*
PRESIDING JUDGE : Honourable Justice Nriva
DELIVERED ON : 10th November 2025

1. Brief facts

The Petitioners, who were candidates in the 16th September 2025 parliamentary elections for the Machinga Likwenu Constituency, filed an electoral petition in the High Court of Malawi, which faced a preliminary objection raised by the First Respondent. The two grounds of the preliminary objection were that sworn

statements were filed late by the Petitioners and that the matter was improperly commenced under the wrong section of the law.

2. The issues

The main issues in this case stemmed from a preliminary objection that required the High Court to determine if the petition was defective because the supporting sworn statements were filed after the petition had been lodged. The Court also had to decide if the petition was jurisdictionally irregular because it was commenced under section 100 of the Presidential, Parliamentary and Local Government Elections Act (PPLGEA) when it was challenging the release of election results and not serving as an appeal against a specific decision by the Malawi Electoral Commission confirming or rejecting an irregularity.

3. The Finding

The High Court sustained the preliminary objection and dismissed the petition, finding it defective due to the late filing of the sworn statements. Further, the Court found a substantive and procedurally incurable jurisdictional irregularity as the petition was wrongly filed under section 100 of the PPLGEA when it was not a proper appeal against a specific decision by the Malawi Electoral Commission confirming or rejecting an electoral irregularity.

4. Order:

The petition having been dismissed, each party was ordered to meet their own costs.

NB: *The High Court of Malawi and the Honorable 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 judgment or ruling.*