

The State (on application by Madalitso Fred Kazombo) v Malawi Electoral Commission

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Violet Palikena-Chipao
Cause Number:	Judicial Review Cause No. 61 of 2025
Date of Judgment:	September 22, 2025
Bar:	Oscar Taulo, Counsel for the Applicant

Head Notes

Civil Procedure – Judicial Review – Application for leave – Application dismissed due to procedural errors and deficiencies in drafting.

Summary

The Applicant sought leave from the High Court to commence judicial review proceedings against the Malawi Electoral Commission regarding an election. The Court reviewed the application and its supporting documents and identified numerous irregularities, including typographical errors, wrong citations, and unclear arguments, concluding they were prepared in a hurry. Due to these procedural deficiencies, the Court dismissed the application. The Applicant was granted liberty to refile a properly drafted application, with the directive that any new proceedings for leave must be

made with notice to the Respondent.

Legislation Construed

N/A

Judgment

1. The Applicant, Mr. Madalitso Fred Kazombo has petitioned this court seeking permission to commence judicial review proceedings against the Malawi Electoral Commission in respect of its decision in relation to the just conducted election whose results we are still waiting. The application for leave is made pursuant to Order 19 rule 20, 21 and 22 as read with rule 13 and 19 of the Courts (High Court) (Civil Procedure) Rules, 2017 (hereinafter the CPR).

2. Upon going through the application, sworn statement verifying grounds for judicial review and the skeleton arguments in support of the application, the court noted a number of irregularities or errors in the manner in which the documents were prepared including typos, wrong citations of provisions in some respects, unclear arguments and compounding of facts among others. It would appear the application was done in a hurry and without proof such that in some respects, it is difficult to appreciate what Counsel intended to communicate to the court.

3. In this regard, the application cannot be granted. It is dismissed with liberty to refile a properly drafted application and supporting documents if the Applicant so wishes. If

the Applicant decides to refile the judicial review proceedings, the application for leave should be made with notice to the Respondent.

4. It is so ordered.

Made in Chambers on 22nd day of September, 2025