

The State (on the application of Democratic Progressive Party) v Electoral Commission and Mr Andrew Mpesi

Statute and Subsidiary Legislation Construed

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Mandala D. Mambulasa
Cause Number:	Judicial Review Cause No. 36 of 2022
Date of Judgment:	August 20, 2025
Bar:	F. Tambulasi and B. Chimkango, counsel for the claimant T. Nyirenda, Attorney General and D. Banda, counsel for the defendant J. Dzonzi, Counsel for the Interested Party

Statute

Constitution of the Republic of Malawi (ss 12, 76(5)(a), 108(2))

Courts Act (Cap. 3:02) (s 30)

Electoral Commission Act (Cap. 2:03) (ss 6, 12(1))

Parliamentary and Presidential Elections Act (repealed) (Cap. 2:01) (ss 27, 31, 56)

Political Parties (Registration and Regulation) Act (Cap. 2:07)

Political Parties Act, No. 1 of 2018 (ss 45(1), 46, 48)

Presidential, Parliamentary and Local Government Elections Act, No. 10 of 2023 (s 2)

Subsidiary Legislation

Courts (High Court) (Civil Procedure) Rules, 2017 (Order 10, r 27; Order 19, rr 20, 21, 22; Order 31, r 3)