

David P Banda v The Attorney General (Malawi Electoral Commission)

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice S.A. Kalembera
Cause Number:	Election Case No. 12 of 2025
Date of Judgment:	September 23, 2025

The Claimant applied to the High Court for an interlocutory injunction to prevent the Malawi Electoral Commission from announcing election results for Lilongwe Mpenu Constituency, alleging irregularities and seeking a vote recount from the Commission. The central issue for the Court was whether to grant the injunction before the Claimant exhausted statutory remedies under the Presidential, Parliamentary and Local Government Elections Act. The Court dismissed the application, holding that the Claimant had not shown irreparable harm and still had the right to appeal to the High Court under section 100 of the Act. Additionally, the Court found that interim injunction applications in election matters must be made *inter partes*, not without notice.