

Ramuzani Juma Mahammed v Malawi Electoral Commission

Summary

Court:	High Court of Malawi
Registry:	Civil Division
Bench:	Honourable Justice Etness Chanza
Cause Number:	Election Case No. 70 of 2025
Date of Judgment:	October 09, 2025
Bar:	KB Soko, Counsel for the Applicant. respondent unrepresented

The Applicant sought an interlocutory order of injunction from the High Court, Principal Registry, suspending the declaration of the winner for the Parliamentary Election in Nsanje South Constituency and all consequential processes. This application arose out of an election petition the Applicant had filed on 7th October 2025, challenging the results declared by the Respondent, the Malawi Electoral Commission, via a Corrigendum issued on 2nd October 2025. The application for the injunction was filed on a **“Without Notice”** basis and was brought under Order 10 Rule 27 of the Courts (High Court) (Civil Procedure) Rules.

The application was **accordingly dismissed**. The decisive rationale was that the Applicant had brought the application on a "**Without Notice**" basis, which contravened **Rule 19 of Order 19**. Furthermore, the Court noted that the application had been brought under a **wrong statutory provision** (Order 10 Rule 27), making both the manner and the provision used erroneous.