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IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP041**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: ARTICLE 73 OF THE CONSTITUTION OF ZAMBIA
AND
IN THE MATTER OF: SECTIONS 81, 83, 84, 97, 98 & 100 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016
AND
IN THE MATTER OF: REGULATION 15 OF THE ELECTORAL CODE OF CONDUCT 2016
AND
IN THE MATTER OF: THE HIGH COURT ELECTION PETITION RULES, 2026 SI NO. 31 OF 2026
AND
IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR CHAMA SOUTH CONSTITUENCY DECLARED ON THE 16TH AUGUST 2026

BETWEEN:

HIGH COURT OF ZAMBIA
11 SEP 2026
PRINCIPAL REGISTRY
P.O. BOX 50067, LUSAKA.

DANIEL PHIRI **PETITIONER**

AND

NKATA JERIX **FIRST RESPONDENT**
THE ELECTORAL COMMISSION OF ZAMBIA **SECOND RESPONDENT**

EX-PARTE SUMMONS FOR AN ORDER FOR LEAVE TO AMEND PROCESS PURSUANT TO ORDER 18 OF THE HIGH COURT ACT CHAPTER 27 OF THE LAWS OF ZAMBIA

LET THE PARTY CONCERNED Attend before the Hon. Judge.....in Chambers on the .....day of .....2026 at .....hours in the .....noon or soon thereafter for the hearing of an Application on the Part of the Petitioner for an order for Leave to amend the petition on the grounds stated in the Affidavit in Support filed herewith and that costs be in the cause.

Dated at Lusaka the .....day of..... 2026.

Drawn by: _____

Messrs T.K Ndhlovu & Company
5th Floor, Zimco House
Off Cairo Road, Lusaka
P.O BOX 36078
ADVOCATES FOR THE PETITIONER

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REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 11 SEP 2026 PRINCIPAL REGISTRY P.O. BOX 50067 LUSAKA

SKELETON ARGUMENT

LEGISLATION

1. **The High Court Act chapter 27 of the Laws of Zambia**

Cases Cited

May it please this Honorable Court, this is the Petitioner's Skeleton Arguments in Support of Ex-Parte Summons for Leave for an order to amend process. My Lord/ Lady the brief background of this Application is as stated in the Affidavit in support filed herein and same shall be relied upon religiously.

THE LAW

Order 18 of the High Court of Zambia Chapter 27 of the Laws of Zambia Provides that:

The Court or a Judge may, at any stage of the proceedings, order any proceedings to be amended, whether the defect or error be that of the party applying to amend or not; and all such amendments as may be necessary or proper for the purpose of eliminating all statements which may tend to prejudice, embarrass or delay the fair trial of the suit, and for the purpose of determining, in the existing suit, the real question or questions in controversy between the parties, shall be so made. Every such order shall be made upon such terms as to costs or otherwise as shall seem just.

"Justice shall be administered without undue regard to procedural technicalities."

In the case of **MULIANGO AND ANOTHER VS MAGASA AND ANOTHER, SCZ JUDGMENT NUMBER 126 OF 1989**, it was held that:-

"Where there is an Arguable cause of action it is preferable that a case should go for trial rather than be prevented from doing so by procedural irregularities."

Further, in ZAMBIA REVENUE AUTHORITY VS JAYESH SHAH, (2001) ZR 60, it was held that:-

"Cases should be decided on their substance and merit and not be defeated on procedural Technicalities."

We are fortified by the CASE OF CHIRUMBA VS UNION BANK ZAMBIA LIMITED (In Liquidation) (2003) Z.R. Page 50, it was held that:-

"Regardless of the circumstances, leave should be granted to give the Appellant an opportunity to provide proof of his claim at Trial".

In the case of NAHAR INVESTMENTS LIMITED VS GRINDLAYS BANK (Z) LIMITED, SCZ JUDGMENT NUMBER 11 OF 1991, it was held that :-.

> ***"Matters should be heard to their finality and must not be defeated on procedural technicalities".***

Further, in STANLEY MWAMBAZI VS MORESTER FARMS (1977) ZR. Page 108, it was held that:-

> ***"It is not the intention of the legislature that matters should be determined on technicalities or to deny the Parties the right to be heard leave to extend time in which a party must comply must be granted"***

IN CONCLUSION

In view of the authorities above and submission, it is our humble prayer that this Honorable court grants this Application in the Interest of Justice.

WE BEG TO MOVE!!

Dated the ..... day of 2026

Drawn by:_____

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REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 11 SEP 2026 PRINCIPAL REGISTRY P.O. BOX LUSAKA

NKATA JERIX **FIRST RESPONDENT**
THE ELECTORAL COMMISSION OF ZAMBIA **SECOND RESPONDENT**

AFFIDAVIT IN SUPPORT OF EX-PARTE SUMMONS FOR AN ORDER FOR LEAVE TO AMEND THE PETITION

I, **WAXON SHAKALIMA**, of Vorna Valley, Lusaka of Lusaka province of the Republic of Zambia Do Hereby Make **OATH** and **SAY** as follows:-

1. **THAT** my Full Names, Residential Address and Nationality are as stated above.
2. **THAT** I am Counsel seized with conduct of this matter, and as such I am competent to swear to this my Affidavit from facts known to me.
3. **THAT** this Honourable Court will note from the record that this matter was commenced by way of Petition and Affidavit Verifying facts.
4. **THAT** since filling the Petition I have discovered certain typographical errors in the petition as well as the Affidavit and additional evidence has come to light which is relevant to the issues before this Honorable Court.

5. **THAT** in view of the above, need has arisen for this Honorable Court to grant this Application to Amend the Petition and other accompanying documents in the Interest of Justice.

6. **THAT** I depose to the facts verily believing the same to be true and correct to my knowledge and belief.

SWORN by the said)
WAXON SHAKALIMA at)
Lusaka the .11.. day of Sept 2026)

DEPONENT

Before me:.....
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
11 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA