IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Election Jurisdiction)

2026/HP/EP/38_____

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

IN THE MATTER OF: ARTICLES 45(2)(a) -(e) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016 AS AMENDED BY ACT NO. 13 OF 2025.

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTIONS HELD ON 13th AUGUST, 2026 FOR ROMA PARLIAMENTARY CONSTITUENCY

AND

IN THE MATTER OF: CONTRAVENTION OF SECTIONS 29, 37, 50, 65,68(d), 71,72,73 AND 81 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 AS AMENDED BY ACT NO.12 OF 2026

AND

IN THE MATTER OF: SECTION 97 (1), (2)(b) AND (4) AS READ TOGETHER WITH SECTIONS 83(2) 98 (a)(b) and 99(a) OF THE ELECTORAL PROCESS ACT No. 35 OF 2016 AS AMENDED BY ACT NO.12 OF 2026

IN THE MATTER OF: SECTION 4(1) AND (2) (a), (b) AND (c) OF THE ELECTORAL COMMISSION ACT No. 25 of 2016

AND

IN THE MATTER OF: PART III OF THE HIGH COURT (ELECTION PETITION) RULES 2026 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO. 52 OF 2011

BETWEEN:

CHILANDO CHITANGALA — **PETITIONER**

AND

ROSS KASIKILI — **1st RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA — **2nRESPONDENT**

ATTORNEY GENERAL — **3rd RESPONDENT**

NOTICE OF INTENTION TO WITHDRAW ELECTION PETITION

TAKE NOTICE that the Petitioner, **CHILANDO CHITANGALA**, hereby gives notice of her intention to apply to the Honourable Court for leave to withdraw the Election Petition herein pursuant to **section 103 of the Electoral Process Act No. 35 of 2016** and **Rule 22 of the High Court (Election Petition) Rules, 2026**.

TAKE FURTHER NOTICE that the Petitioner intends to move the Court for leave to withdraw the Election Petition on the basis that, having reconsidered her circumstances and the demands associated with

continued prosecution of the Petition, she has concluded that she no longer wishes to proceed with the litigation.

The Petitioner's decision has been informed principally by:

1. the financial cost of continuing to prosecute the Petition;
2. the continuing legal and incidental expenses associated with the proceedings;
3. the substantial time and commitment required to attend and participate in the proceedings;
4. the personal, emotional and psychological strain associated with continued litigation;
5. the disruption which continued prosecution is likely to cause to the Petitioner's personal and other responsibilities;
6. the Petitioner's present inability and unwillingness to shoulder the financial and personal burden associated with continuing the proceedings;
7. the desirability of avoiding further expenditure of judicial time and the resources of all parties where the Petitioner no longer intends to prosecute the Petition; and
8. the Petitioner's considered decision to bring the proceedings to an orderly conclusion.

The Petitioner gives this notice voluntarily and in good faith and without any improper agreement, inducement, coercion or arrangement with any Respondent.

Dated at Lusaka this.....day of.....2026

Per: Messrs. Aongola & Co. Legal Practitioners |Plot No. 5873, Kasiya Crescent, off Lusemfwa road, Kalundu, Lusaka, |email: info@aongolaandco.com. Advocates for the PETITIONER

TO: Wallace & Company Legal Practitioners

Plot No. 43, 1st Street, Mwambula Road

Off Central Street and Great East Road, Jesmondine, Lusaka.

ADVOCATES FOR THE 1ST RESPONDENT

Nsapato & Co. Advocates

Sub C of Lot 1835/M

3RD Street, Ibex Hill, Lusaka

ADVOCATES FOR THE 2ND RESPONDENT

Attorney General Chambers

New Kent House, Lusaka, Zambia.

3RD RESPONDENT

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
16 SEP 2026
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ATTORNEY GENERAL	**3rd RESPONDENT**

***EX PARTE* SUMMONS FOR LEAVE TO WITHDRAW ELECTION PETITION**

LET COUNSEL FOR THE PETITIONER attend before the Honourable Justice D. Mulenga in Chambers on the ____ day of _____ 2026 at ..... hours in the forenoon or so soon thereafter as Counsel for the Petitioner may be heard on an application by the Petitioner for the following Orders:

1. That leave be granted to the Petitioner/Applicant, CHILANDO CHITANGALA, to withdraw the Election Petition herein pursuant to section 103 of the Electoral Process Act No. 35 of 2016 and Rule 22 of the High Court (Election Petition) Rules, 2026.
2. That upon leave being granted, the Election Petition herein be designated as withdrawn and the proceedings herein be brought to an end.
3. That the Court be pleased to order that each party bears their own costs of the Election Petition and of this application.
4. That the Court grant such further or consequential relief as it considers just and appropriate in the circumstances.

GROUNDS OF THE APPLICATION

The application is made on the following grounds:

1. The Petitioner/Applicant is the petitioner in the Election Petition herein and is therefore competent to make this application.
2. The application is expressly brought pursuant to **section 103 of the Electoral Process Act No. 35 of 2016** and **Rule 22 of the High Court (Election Petition) Rules, 2026**.
3. Rule 22(1) expressly permits a petitioner, with leave of the Court, to apply to withdraw an election petition at any stage of the proceedings before conclusion of the proceedings.
4. The Applicant has reconsidered her decision to continue with the prosecution of the Election Petition and has, following careful consideration, concluded that she no longer wishes to pursue the proceedings.
5. The Applicant's decision is voluntary, informed and made freely, without coercion, intimidation, undue influence or improper inducement.
6. The Applicant has carefully considered the substantial financial implications of continuing with the Election Petition, including legal fees, preparation costs, attendance costs, transportation, accommodation where applicable, witness-related expenses and other incidental litigation expenses.
7. The Applicant has further considered the substantial personal burden associated with continued participation in election litigation, including the time, attention and commitment required to attend Court, consult with Counsel, prepare for hearings, review evidence, attend conferences and otherwise participate meaningfully in the prosecution of the Petition.
8. The Applicant has also considered the considerable emotional and psychological strain associated with prolonged litigation and has concluded that she is not presently prepared to shoulder that burden.
9. The Applicant's circumstances have led her to conclude that continuing with the Petition would impose upon her a financial and personal burden which she is neither willing nor able to sustain.
10. The Applicant has therefore exercised her judgment to discontinue the litigation rather than continue proceedings which she no longer has the capacity or willingness to prosecute.

11. The Applicant considers that the continued prosecution of the Petition would result in further expenditure of judicial time and resources, as well as further expenditure and inconvenience to the parties, without serving a purpose which the Applicant is now willing to pursue.

DATED at Lusaka this .....day of .....2026.

PER: Messrs.: Aongola & Co. Legal Practitioners |Plot No. 5873, Kasiya Crescent, off Lusemfwa road, Kalundu, Lusaka, |email: info@aongolaandco.com. **ADVOCATES FOR THE PETITIONER**

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Election Jurisdiction)

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REPUBLIC OF ZAMBIA
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16 SEP 2026
PRINCIPAL REGISTRY 3
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ELECTORAL COMMISSION OF ZAMBIA	**2nRESPONDENT**
ATTORNEY GENERAL	**3rd RESPONDENT**

AFFIDAVIT IN SUPPORT OF SUMMONS FOR LEAVE TO WITHDRAW PETITION

I, **CHILANDO CHITANGALA**, a Zambian National, of House No. 121A, Ngwerere Road, Roma, in the Lusaka District of the Lusaka Province of the Republic of Zambia, **DO HEREBY MAKE OATH** and SAY as follows:

1. **THAT** my full name, nationality and residential address are as stated above.

2. THAT I am the Petitioner in this matter and therefore competent and duly authorised to depose to this Affidavit.
3. THAT I commenced the election petition herein challenging the election held in the Roma Constituency.
4. THAT I instituted the Petition because, at the time of filing, I genuinely considered it necessary and appropriate to challenge the election through the judicial process.
5. THAT since commencing the proceedings, I have had the opportunity to reflect carefully upon the Petition, the circumstances surrounding its prosecution and the practical implications of continuing with the litigation.
6. THAT following the reconsideration, I have made the decision that I no longer wish to proceed with the Petition.
7. THAT my decision has principally been informed by the financial cost, stress and inconvenience associated with continuing to prosecute the Petition which will occur at the expense of my other personal activities.
8. THAT I have considered the costs of legal representation, preparation of evidence and submissions, attendance at Court, consultations with my legal practitioners, travelling and other incidental expenses that may arise as the matter progresses.
9. THAT I have also considered the personal burden which continued participation in the proceedings is likely to impose upon me.
10. THAT in particular, I have considered the stress, anxiety, disruption to my personal affairs and the time commitment that would necessarily accompany the continued preparation and prosecution of the Petition.
11. THAT having weighed those considerations carefully, I have concluded that I am not presently prepared to shoulder the financial, personal and emotional burden that would come with continuing to attend and prosecute the Petition. Further I do not wish to inconvenience my attention to my other activities such as my business activities.
12. THAT I therefore consider it to be in my own best interests to bring the proceedings to an end by seeking leave of this Honourable Court to withdraw the Petition.
13. THAT my decision is voluntary and has been made after careful consideration of the consequences of withdrawal.
14. THAT I have not been coerced, threatened or improperly influenced into making this decision.

15. THAT I have also not entered into any improper arrangement with any Respondent as a condition for withdrawing the Petition.
16. THAT my decision is based on my own reconsideration of my circumstances and my ability and willingness to continue with the litigation.
17. THAT I am mindful that election petitions are subject to strict statutory timelines and that the Court is required to deal with such proceedings expeditiously.
18. THAT I do not wish to continue consuming the time and resources of this Honourable Court, the Respondents and the other participants in proceedings which I have now decided not to pursue.
19. THAT I believe that withdrawal at this stage will avoid further unnecessary expenditure of costs and resources by all concerned.
20. THAT I acknowledge that the Court may impose such terms as it considers appropriate upon granting leave to withdraw the Petition.
21. THAT I further understand that the election petition rules prohibit me from filing a fresh election petition in respect of the same election after withdrawal.
22. THAT I have considered this consequence and nevertheless remain firmly of the view that withdrawal is the appropriate course for me.
23. THAT I respectfully submit that forcing me to continue with the Petition when I have, after careful consideration, decided that I am unable and unwilling to bear the associated financial and personal burden would serve no useful purpose.
24. THAT Iam advised by counsel on record and do in my own accord believe that the facts set out herein constitute suitable circumstances in which this court can properly grant leave to withdraw the Petition in line with applicable rules alluded to in the skeleton arguments.
25. That the facts deposed to herein are true and correct to the best of my knowledge, information and belief.

SWORN AT LUSAKA BY THE SAID)

CHILANDO CHITANGALA)

This 16 day of Sept 2026)

.....

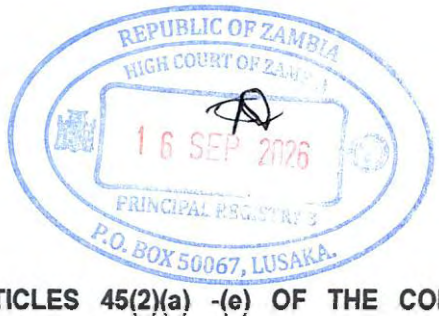
DEPONENT'S SIGNATURE

BEFORE ME.....

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
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ATTORNEY GENERAL — 3rd RESPONDENT

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN SUPPORT OF EX PARTE SUMMONS FOR LEAVE TO WITHDRAW ELECTION PETITION

IF IT MAY PLEASE THIS HONOURABLE COURT The Petitioners shall rely upon the following authorities, copies of unreported decisions and excerpts from other works in support of her application for leave to withdraw her election petition:

1. LIST OF AUTHORITIES;

1.1. LEGISLATION

1. Constitution of Zambia (Amendment) Act No. 2 of 2016 as Amended by Act No. 13 of 2025.
2. The Electoral Process Act No. 35 of 2016 as Amended by Act No.12 of 2026
3. The High Court (Election Petition) Rules 2026 of the Laws of Zambia

1.2. CASES

I. Evans Nyamaharo v Berejena and Another (Petition No. 2 of 2021) [2021] ZMLGEL 23.
II. Edson Zindoga v Kajiye and Another (Petition No. 3 of 2021) [2021] ZMLGEL 19.
III. Such further authorities as may be filed with the Applicant's supplementary submissions, should the Respondents raise any issue requiring further authority.

MAY IT PLEASE THIS HONOURABLE COURT. we. on behalf of the Petitioner. respectfully tender these Skeleton Arguments in support of the Petition and Affidavit filed herein. For ease of reference, all underlining appearing in these Arguments has been employed solely to emphasize words or phrases considered to be of particular significance.

1.0 INTRODUCTION

1.1 These are the Skeleton Arguments filed on behalf of the Petitioner/Applicant, **CHILANDO CHITANGALA**, in support of her Summons seeking leave of this Honourable Court to withdraw the Election Petition herein.

1.2 The application is made pursuant to section 103 of the Electoral Process Act No. 35 of 2016 and Rule 22 of the High Court (Election Petition) Rules, 2026.

1.3 The Applicant respectfully invites the Court to exercise its discretion in her favour and grant leave to withdraw the Election Petition upon such terms as the Court considers appropriate.

1.4 The application is supported by the Affidavit of the Applicant, **Chilando Chitangala**, sworn and filed herein.

1.5 The central consideration informing the application is that the Applicant has, upon mature reflection and reconsideration of her personal circumstances, concluded that she no longer wishes, and is not presently prepared, to undertake the substantial financial, personal, emotional and practical burden associated with the continued prosecution of the Election Petition.

1.6 The application is therefore not founded upon an attempt to manipulate the electoral process or the judicial process. It is founded upon a genuine and voluntary decision by the person who commenced the proceedings that she no longer wishes to continue with them.

2.0 ISSUES FOR DETERMINATION

2.1 The Applicant respectfully submits that the following issues arise for determination:

a) Whether this Honourable Court has jurisdiction to grant the Applicant leave to withdraw the Election Petition;
b) Whether the Applicant has satisfied the statutory and procedural requirements for withdrawal;
c) Whether the circumstances disclosed by the Applicant constitute sufficient grounds upon which the Court should exercise its discretion to grant leave;
d) Whether any prejudice would arise to the Respondents or the administration of justice if leave were granted;
e) What terms, if any, ought properly to accompany the order for withdrawal; and
f) What order should be made as to costs.
g)

3.0 THE APPLICABLE LAW

3.1 Section 103 of the Electoral Process Act.

The starting point is section 103 of the Electoral Process Act No. 35 of 2016. Section 103 establishes the statutory framework governing withdrawal of election petitions. The material effect of section 103 is that:

a. a petitioner cannot withdraw an election petition without leave of the High Court;

b. an application for leave to withdraw must be preceded by notice of intention to withdraw in the prescribed manner;

c. where there are multiple petitioners, the requisite consent of all petitioners is necessary; and

d. the Court has a discretion to make such order as to costs as it considers just.

3.2 The statutory requirement for leave is therefore not intended to prevent a petitioner from withdrawing altogether. Rather, it places withdrawal under the supervision of the Court and enables the Court to protect the integrity of the electoral process, the interests of other potential petitioners, the Respondents and the administration of justice.

3.3 The Applicant has approached the Court openly and transparently and seeks the Court's leave rather than purporting to withdraw the Petition unilaterally.

3.4 The application is therefore consistent with the statutory scheme.

3.3 RULE 22 OF THE HIGH COURT (ELECTION PETITION) RULES, 2026

The 2026 Rules provide a specific and current procedural regime for election petitions. Rule 22(1) provides that, subject to the Act, a petitioner may, with leave of Court and at any stage of the proceedings before conclusion of the proceedings, apply to withdraw a nomination petition or election petition. Rule 22(2) provides that the Court may grant leave on such terms as the Court considers appropriate. Rule 22(3) requires the Court to hear and determine the application within two days of receipt of the application.

Rule 22(4) provides an important consequence of withdrawal, namely that a petitioner who withdraws an election petition cannot subsequently file a fresh election petition concerning the same election.

The wording of Rule 22 demonstrates that withdrawal is expressly contemplated by the Rules and is therefore a recognised procedural course available to a petitioner. The Applicant's application falls squarely within Rule 22 because:

a. she is the petitioner;

b. the proceedings have not concluded;

c. she seeks leave rather than purporting to withdraw without leave;

d. she has given notice of her intention to withdraw; and

e. she accepts the statutory and procedural consequences of withdrawal.

It therefore follows that the application is properly before the Court.

4.0 THE COURT'S DISCRETION SHOULD BE EXERCISED JUDICIALLY

4.1 The Applicant accepts that withdrawal is not automatic. The Court must exercise its discretion judicially, taking into account the statutory purpose of election petitions, the interests of the parties, the integrity of the electoral process and the circumstances in which withdrawal is sought.

4.2 The Applicant respectfully submits that the discretion should be exercised in favour of withdrawal in the present circumstances. The Applicant is not asking the Court to determine the merits of the Election Petition. Nor is she asking the Court to pronounce upon the validity or otherwise of the election.

4.3 The question before the Court is narrower: whether, having regard to the statutory framework and the circumstances placed before it, the Applicant should be permitted to discontinue proceedings which she no longer wishes to prosecute. The Applicant submits that the answer should be in the affirmative.

5.0 THE APPLICANT'S DECISION IS VOLUNTARY AND INFORMED

5.1 The Applicant has deposed that she has carefully reconsidered her decision to prosecute the Petition. She has considered the consequences of continuing with the litigation and has reached the conclusion that she does not wish to continue. Importantly, the Applicant's decision is not based upon any coercion, intimidation, threat or improper influence.

5.2 It is a personal decision arising from her assessment of her present circumstances and her capacity and willingness to continue participating in lengthy and demanding litigation. The Court is respectfully invited to attach weight to the Applicant's autonomy as the person who instituted the proceedings.

5.3 Litigation necessarily requires a litigant to commit financial resources, time, attention and emotional energy. Where a petitioner genuinely concludes that she is no longer willing or able to make that commitment, compelling her to continue prosecuting the proceedings would serve little practical purpose.

5.4 A petitioner who has lost the willingness or capacity to prosecute a case effectively is unlikely to advance the proceedings in a manner conducive to the interests of justice. Withdrawal therefore provides a procedurally recognised means by which the Court can bring the litigation to an orderly conclusion.

6.0 FINANCIAL BURDEN OF CONTINUING THE PETITION

6.1 A significant consideration in the Applicant's decision is the financial burden associated with continuing the Petition. Election petitions are procedurally demanding proceedings. The Applicant has to consider, among other things:

a. continuing legal representation;

b. consultations with Counsel;

c. preparation and review of affidavits and documentary evidence;

d. preparation for cross-examination;

e. attendance at Court;

f. attendance at conferences and other procedural hearings;

g. transportation and other attendance-related expenses;

h. potential witness expenses; and

i. other litigation-related disbursements.

6.2 The Applicant has concluded that she is not prepared to continue bearing those expenses. The Court is respectfully urged to recognise that access to justice does not require a litigant to continue litigation indefinitely where the financial consequences have become unacceptable or unsustainable to that litigant.

6.3 The Applicant's decision is not a criticism of the Court's process. It is a recognition of her own financial circumstances and priorities. The Applicant has therefore exercised her choice within the procedural mechanism expressly provided by the law.

7.0 PERSONAL, EMOTIONAL AND PRACTICAL BURDEN

7.1 The Applicant has further explained that continued prosecution of the Petition would impose a significant personal and emotional burden upon her.

7.2 Election litigation is inherently demanding. It may require repeated attendance before Court, preparation for hearings, engagement with evidence and witnesses, consultations with legal practitioners and sustained involvement in a contentious process.

7.3 The Applicant has reconsidered whether she is willing to continue bearing those burdens. She has concluded that she is not. The Applicant respectfully submits that the Court should not compel a litigant to continue with proceedings where the litigant has genuinely and voluntarily concluded that the personal and emotional cost of doing so is no longer acceptable.

7.4 This consideration is particularly relevant where the Applicant is not seeking to abuse the process or to obtain an improper advantage but is simply seeking to bring her own litigation to an end.

8.0 THE INTERESTS OF JUSTICE AND JUDICIAL ECONOMY

8.1 The Applicant further submits that withdrawal promotes, rather than undermines, the efficient administration of justice. The continued prosecution of an election petition requires the commitment of judicial time and resources. It also requires the Respondents and their legal representatives to commit time and resources to the proceedings. If the Applicant has genuinely decided that she will no longer prosecute the Petition, compelling the proceedings to continue would potentially result in unnecessary expenditure of those resources.

8.2 Withdrawal will permit the Court to bring the proceedings to an orderly conclusion. It will also allow the Respondents to cease preparing for and attending proceedings which the Applicant no longer wishes to pursue. In those circumstances, the Applicant submits that withdrawal is consistent with the overriding objective of efficient and proportionate use of judicial resources.

9.0 THE TIME-SENSITIVE NATURE OF ELECTION PETITIONS

9.1 The Applicant is conscious that election petitions are subject to strict statutory and procedural timelines. Rule 11 of the 2026 Rules provides that an election petition is to be heard and determined within ninety days from the date of filing. The statutory scheme therefore places considerable emphasis upon expedition and finality.

9.2 The Applicant respectfully submits that where the petitioner has genuinely decided not to proceed, an early application for withdrawal avoids the unnecessary consumption of the limited period within which the Court must deal with the petition.

9.3 Withdrawal at this stage therefore promotes certainty and finality rather than prolonging proceedings which the Applicant does not intend to prosecute.

10. NO ABUSE OF PROCESS

10.1 The Applicant anticipates that the Court may wish to satisfy itself that the application is not being made for an improper purpose. The Applicant respectfully submits that there is no such improper purpose. The decision to withdraw has been made because of the Applicant's reconsideration of the costs, stress, time and personal burden associated with continued prosecution.

10.2 There is no agreement, arrangement or inducement between the Applicant and any Respondent which forms the basis of the application. The Applicant has not been promised any benefit in return for withdrawing the Petition. The application is therefore a genuine application by a litigant who has reconsidered her position.

11.0 WITHDRAWAL DOES NOT REQUIRE DETERMINATION OF THE MERITS

11.1 The Applicant respectfully submits that the Court does not need to determine the substantive merits of the Election Petition in order to determine this application. The Applicant is not asking the Court to determine whether the grounds pleaded in the Petition are established.

11.2 Neither is the Applicant asking the Court to determine whether the Respondents' answers have merit. Those questions would only arise if the Petition proceeded to substantive determination. The present application concerns the Applicant's procedural right, subject to leave of the Court, to discontinue proceedings which remain pending. The appropriate course is therefore for the Court to determine the withdrawal application on its own merits.

12.0 THE CONSEQUENCE UNDER RULE 22(4)

12.1 The Applicant is fully aware that Rule 22(4) provides that a petitioner who withdraws an election petition shall not subsequently file a fresh election petition in respect of the same election. The Applicant has been advised of this consequence. She nevertheless maintains her decision to seek withdrawal.

12.2 This is significant because it demonstrates that the Applicant's application is not being made as a tactical device to enable her to reframe or relitigate the same election challenge at a later stage. She is consciously accepting the finality attaching to the withdrawal.

13.0 PRECEDENT ON WITHDRAWAL

13.1 The Applicant relies, by way of persuasive guidance, upon the approach adopted by the Zambian Local Government Election Tribunal in **Evans Nyamaharo v Berejena and Another (Petition No. 2 of 2021) [2021] ZMLGEL 23**. In that matter, an application was made for leave

to withdraw an election petition under section 103 of the Electoral Process Act. The respondent did not object to the withdrawal.

13.2 The Tribunal granted leave to withdraw the petition and ordered that the parties bear their own costs. The decision demonstrates that section 103 is a practical procedural mechanism through which an election petition may be brought to an end where the circumstances justify withdrawal.

13.3 The Applicant also relies upon **Edson Zindoga v Kajiye and Another (Petition No. 3 of 2021) [2021] ZMLGEL 19**, where leave to withdraw an election petition was granted under section 103 and each party was ordered to bear its own costs. The Applicant respectfully submits that the approach in those decisions is consistent with the relief sought herein, particularly in relation to the Court's discretion to determine appropriate terms and costs.

14.0 THE QUESTION OF COSTS

14.1 The Applicant acknowledges that section 103(4) expressly empowers the Court to make such order as to costs as it considers just. The Applicant therefore accepts that withdrawal does not automatically determine the question of costs.

14.2 The Applicant respectfully submits, however, that the appropriate order in the circumstances is that each party bear their own costs. First, the Applicant has approached the Court openly and has not sought to withdraw unilaterally or behind the back of the Respondents.

14.3 Second, the Applicant has made the application at a stage when the Court can bring the proceedings to an orderly conclusion.

14.4 Third, the Applicant's decision has been motivated by her personal financial and practical circumstances rather than by an improper purpose.

14.5 Fourth, an order that each party bears its own costs would be consistent with the approach adopted in Evans Nyamaharo v Berejena and Another and Edson Zindoga v Kajiye and Another, where withdrawal was granted and the parties were ordered to bear their own costs.

14.6 Fifth, the Applicant herself will necessarily bear the financial consequences of the litigation already undertaken, including her own legal expenses and other disbursements.

14.7 Sixth, the Applicant's present application is designed to prevent the Respondents from incurring further costs in defending proceedings which the Applicant no longer wishes to pursue.

15.0 PROPORTIONALITY

15.1 The Applicant respectfully submits that the Court should adopt a proportionate approach. The object of an election petition is to provide a mechanism for challenging the validity of an election where a qualifying petitioner seeks judicial determination. It is not an end in itself.

15.2 Once the petitioner has made a genuine and informed decision not to pursue the challenge, the Court should consider whether any legitimate purpose would be served by requiring the proceedings to continue against the Applicant's wishes. In the present circumstances, no such purpose has been identified. On the contrary, allowing withdrawal will:

a. conserve judicial time;

b. prevent further litigation expenditure;

c. avoid unnecessary inconvenience to witnesses and parties;

d. bring certainty to the proceedings; and

e. permit the electoral dispute, so far as the Applicant's challenge is concerned, to come to an orderly procedural conclusion.

The Applicant therefore submits that proportionality favours granting leave.

16.0 CONCLUSION

16.1 The Applicant has approached this Honourable Court pursuant to an express statutory and procedural mechanism. The application is made before conclusion of the proceedings. The Applicant has given notice of her intention to withdraw.

16.2 Her decision is voluntary, informed and genuine. She has carefully considered the financial cost, personal demands, emotional strain and practical burden of continuing with the proceedings.

16.3 She has concluded that she is not prepared or able to shoulder those burdens. The Applicant accepts the consequences of withdrawal, including the prohibition against filing a fresh election petition concerning the same election.

16.4 The Applicant further accepts that the Court may impose appropriate terms upon withdrawal. In all the circumstances, the Applicant respectfully submits that the interests of justice favour the granting of leave.

16.5 The Applicant accordingly prays for an Order:

a. granting leave to withdraw the Election Petition;

b. marking the Election Petition as withdrawn;

c. directing that the proceedings stand concluded upon withdrawal;

d. directing that each party bears their own costs, or alternatively making such order as to costs as the Court considers just; and

e. granting such further or consequential relief as the Court considers appropriate.

Dated at Lusaka this.....day of 2026

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