IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/014**

&

2026/HP/EP/040

AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
2 2 SEP 2026
PRINCIPAL REGISTRY 1

IN THE MATTER OF: **THE CONSOLIDATED PARLIAMENTARY ELECTION PETITIONS FOR THE CHONGWE EAST CONSTITUENCY HELD ON 13TH AUGUST, 2026.**

BETWEEN:

SYLVIA TEMBO MASEBO **1ST PETITIONER**

AND

ANITA KAMANGA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

AND BETWEEN:

GEOFREY CHUMBWE **2ND PETITIONER**

AND

ANITA KAMANGA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

Before the Hon. Mr. Justice E. Pengele on 22nd day of September, 2026.

For the 1st Petitioner:	**Mr. W.C. Kayope with Ms. C. Mweshi and Mr. C. Byemba of Messrs. Simeza Sangwa and Associates**
For the 2nd Petitioner:	**Mr. C. Bwalya of Messrs. Chikafya and Associates, standing in for Counsel from Messrs. Aongola and Partners.**
For the 1st Respondent:	**Mr. Iven K. Mulenga of Messrs. Iven Levi Legal Practitioners with Mr. V. K. Luswili of Messrs. Luswili and Partners**
For the 2nd Respondent:	**N/A**

RULING

Legislation referred to:

a. High Court Rules, Chapter 27 of the Laws of Zambia;

b. Electoral Process Act No. 35 of 2016; and

c. Constitution of Zambia, Chapter 1 of the Laws of Zambia.

1.0 INTRODUCTION

1.1 This Ruling is on an *ex- parte* application by the 2nd Petitioner for leave to serve the 2nd Petitioner's petition and pay security for costs out of time.

1.2 The application was filed on 15th September, 2026, by summons and affidavit in support pursuant to order 2, rule 2 and order 3, rule 2 of the **High Court Rules**[a].

1.3 Together with the application, the 2nd Petitioner's Advocates filed a list of authorities and skeleton arguments.

2.0 AFFIDAVIT IN SUPPORT

2.1 The 2nd Petitioner's affidavit in support was sworn by Daniel Mwaba, Counsel for the 2nd Petitioner. The gist of his depositions was that he had documents brought to the Principal Registry at Lusaka for the filing of the 2nd Petitioner's petition on 31st August, 2026. According to him, there was a mix-up in the Registry on the said date. He was advised to collect stamped documents on Wednesday because Tuesday was a public holiday.

2.2 The deponent went on to depose that the petition was given a Wednesday date. He brought the foregoing to the attention of the Registry.

2.3 He went on to say that as of 15th September, 2026, he was yet to receive a formal response from the Registry to determine whether he could proceed to serve the documents or not.

2.4 He pointed out that the failure to serve the petition and to pay security for costs within 5 days, as provided for, was not without good cause.

2.5 His additional deposition was that, once the 2nd Petitioner gets official feedback on 15th September, 2026, from the Court Registry, he will be ready to proceed to serve and pay security for costs.

3.0 SKELETON ARGUMENTS AND ORAL SUBMISSIONS

3.1 As I have already stated in the introductory part of this Ruling, Counsel for the 2nd Petitioner filed a list of authorities and skeleton arguments. At the hearing today, Mr. Bwalya, standing in for Messrs. Aongola and Partners, who are representing the 2nd Petitioner, made brief oral submissions to augment the filed skeleton arguments.

3.2 Although I have taken the aforesaid arguments and oral submissions into consideration, in arriving at my decision, I have not reproduced them in this Ruling.

4.0 CONSIDERATION AND DECISION

4.1 I have carefully considered the application by the 2nd Petitioner for leave to serve the petition and to pay

security for costs out of time. I have also taken into account the skeleton arguments and oral submissions by Counsel for the 2nd Petitioner.

4.2 The first issue that has exercised my mind is whether or not the 2nd Petitioner's petition was filed within the time provided for by the law.

4.3 Section 100 (3) of the **Electoral Process Act**[b] provides that-

> **"(3) An election petition shall be signed by the Petitioner or by all the Petitioners, if more than one, and shall be presented not later than fourteen days after the date on which the result of the election to which it relates is duly declared."** [**Underlined for emphasis only**]

4.4 It is clear from the foregoing provision that an election petition should be presented not later than fourteen days after the declaration of the election result. It must be noted that section 100 (3) of the **Act**[b] uses the mandatory "shall". This means that it is mandatory for a parliamentary election petition to be filed within fourteen days after the date on which the result of that election is declared.

4.5 In the present petition, the election result was declared on 15th August, 2026. The 2nd Petitioner filed his petition on 2nd September, 2026.

4.6 The question that follows inevitably, therefore, is whether or not the 2nd Petitioner filed his petition within

14 days after the 15th August, 2026, when the election result was declared.

4.7 Article 269 of the **Constitution of Zambia**[c], provides for computation of time. In particular paragraphs (a) and (b) of that Article, which are relevant to this application are couched as follows:

> **"269 For purposes of this Constitution, in computing time, unless a contrary intention is expressed –**
>
> **(a) a period of days from the happening of an event or the doing of an act shall be considered to be exclusive of the day on which the event happens or the act is done;**
>
> **(b) if the last day of the period is a Saturday, Sunday or public holiday ("excluded day"), the period shall include the next day ...."**

4.8 Therefore, in computing the 14 days in this case, the days ought to be counted from the 16th August, 2026.

4.9 From my computation of the days, the 14 days, within which the 2nd Petitioner should have filed his petition, expired on 29th August, 2026. Since that day was a Saturday, and the following day, 30th August, 2026, was a Sunday, the 2nd Petitioner should have filed his petition by 31st August, 2026, which was the next non-excluded day.

4.10 The 2nd Petitioner filed his petition on 2nd September, 2026.

4.11 I, therefore, hold that the 2nd Petitioner filed his petition after the 14 days provided for in the **Electoral Process Act**[b] had expired. It follows that the 2nd Petitioner's petition should not have even been received by the Registry.

4.12 I, therefore, hold that the 2nd Petitioner's petition is irregularly before this Court, and must be dismissed for having been filed after the expiry of 14 days from the date when the election result was declared.

4.13 The deponent to the affidavit in support has, however, gone on to depose that he had taken the documents to the Principal Registry for filing of the petition on 31st August, 2026. According to him, there was what he described as a "mix-up in the registry on the said date" and he was advised to collect stamped documents on Wednesday since the next Tuesday was a public holiday.

4.14 The deponent did not explain what that mix-up was and what it had to do with the failure by the 2nd Petitioner to file his petition within 14 days. In fact, in his affidavit, the deponent did not even say anything in relation to the fact that the 2nd Petitioner filed his petition after the 14 days had expired. All the deponent wanted by this application was leave to serve out of time, the same petition that had been filed after the expiry of the 14 days.

4.15 As a matter of fact, in response to a question by this Court at the hearing of this application, Counsel for the

2nd Petitioner admitted that the deponent did not explain what the alleged "mix-up" in the Registry was.

4.16 Even more importantly, there is absolutely no tangible evidence to support the assertion that there was the alleged mix-up in Registry when Counsel for the 2nd Petitioner went to file the 2nd Petitioner's petition on 31st August, 2026. Although the deponent claimed that he was waiting for a formal response from the Registry to determine whether he could proceed to serve the filed documents, he did not depose to any formal communication from the 2nd Petitioner to the Registry to which the Registry was allegedly supposed to formally respond.

4.17 I hold the view that the issue in this Petition is not merely about extending the time for service of the 2nd Petitioner's petition but about the fact that the 2nd Petitioner's petition was filed after the lapse of the 14 days within which a parliamentary election petition must be filed.

5.0 CONCLUSION

5.1 In view of the totality of the foregoing, I have not found merit in the 2nd Petitioner's application for leave to serve the election petition and pay security for costs out of time.

5.2 I have instead found that the 2nd Petitioner filed his petition after the expiry of the 14 days within which he should have filed the petition. Consequently, the petition was irregularly filed.

5.3 I, therefore, dismiss the 2nd Petitioner's election petition for having been filed after the expiry of the mandatory 14 days provided for by section 100 (3) of the **Electoral Process Act**[b] for the filing of a parliamentary election petition.

5.4 I make no order for costs.

Delivered at Lusaka this 22nd day of September, 2026.

E. PENGELE
HIGH COURT JUDGE