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

2026/HP/EP/40

IN THE MATTER OF:	**THE PARLIAMENTARY ELECTION RELATING TO CHONGWE EAST CONSTITUENCY HELD ON 13TH AUGUST, 2026**
AND IN THE MATTER OF:	**THE CONSTITUTION OF ZAMBIA, THE CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA**
AND IN THE MATTER OF:	**ARTICLES 1, 2, 5, 8, 9, 45, 46, 47, 48, 49, 50, 54, 70, 71, 72, AND 73 OF THE CONSTITUTION OF ZAMBIA, CONSTITUTION OF ZAMBIA ACT, CHAPTER 1, VOLUME 1, OF THE LAWS OF ZAMBIA**
AND IN THE MATTER OF:	**SECTIONS 29, 37, 38, 51, 52, 55, 58, 59, 60, 66, 68, 69, 70, 71, 72, 75, 76, 77, 81, 82, 83, 86, 87 AND 89 OF THE ELECTORAL PROCESS (ELECTORAL CODE OF CONDUCT) ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA AS AMENDED IN 2026**
AND IN THE MATTER OF:	**SECTION 96, 97, 98, 99, 100, 106, 107, AND 108 OF THE ELECTORAL PROCESS (ELECTORAL CODE OF CONDUCT) ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA.**
AND IN THE MATTER OF:	**THE ELECTORAL CODE OF CONDUCT 2016**

BETWEEN

GEOFFREY CHUMBWE — **PETITIONER**

AND

ANITA KAMANGA — **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

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

SUMMONS FOR LEAVE TO SERVE ELECTION PETITION AND PAY SECURITY FOR COSTS OUT OF TIME PURSUANT TO ORDER 2 RULE 2 AND ORDER 3 RULE 2 OF THE HIGH COURT RULES CAP 27 OF THE LAWS OF ZAMBIA

LET THE PARTY concerned attend before the Hon. Justice **PENGELE** in Chambers on the _____day of_____2026 at _____ hours in the_____noon or so soon thereafter on the hearing of an Application on the part of the Petitioner for an Order seeking leave to serve a petition on the Respondents and pay security for costs out of time AND that costs of and incidental to these proceedings be in the cause.

Dated at Kitwe this _____ day of _____ 2026

_____

HIGH COURT JUDGE

AONGOLA & CO. LEGAL PRACTITIONERS
No. 5873 Kaseya Crescent, Off Lunsemfwa Road
Kalundu,
Zambia
Email:info@aongolaandco.com
Lusaka
(Advocates for the Petitioner)

IN THE HIGH COURT FOR ZAMBIA
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(Constitutional Jurisdiction)

2026/HP/EP/40

IN THE MATTER OF:	**THE PARLIAMENTARY ELECTION RELATING TO LUAPULA CONSTITUENCY HELD ON 13TH AUGUST, 2026**
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REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
15 SEP 2026
PRINCIPAL REGISTRY B
P.O. BOX 50067, LUSAKA.

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN SUPPORT OF SUMMONS FOR LEAVE TO SERVE ELECTION PETITION ON REPONDENTS AND PAY SECURITY FOR COSTS OUT OF TIME

MAY IT PLEASE THIS HONOURABLE COURT, the following are the petitioner's list of authorities and skeleton arguments.

List of authorities

1. High Court Rules Chapter 27 of the laws of Zambia
2. Rules of the Supreme Court (whitebook) 1999 Edition

3. D.E Nkhuwa V Lusaka Tyre Services Limited (1977) Z.R 43(S.C)

1.0 Arguments

The attention of this Honourable Court is drawn to following Laws;

1.1 ***Order II rule 2 of the High Court Rules Chapter 27 of the Laws of Zambia*** which provides that;

Parties may, by consent, enlarge or abridge any of the times fixed for taking any step, or filing any document, or giving any notice, in any suit. Where such consent cannot be obtained, either party may apply to the Court or a Judge for an order to effect the object sought to have been obtained with the consent of the other party, and such order may be made through the application for the order is not made until after the expiration of the time allowed or appointed.

1.2 ***Order III rule 2 of the High Court Rules Chapter 27 of the laws of Zambia*** provides that;

"Subject to any particular rules, the Court or a Judge may, in all causes and matters, make any interlocutory order which it or he considers necessary for doing justice whether such order has been expressly asked by the person entitled to the benefit of the order or not."

1.3 ***Order 3 rule of the Rules of the Supreme Court (whitebook) 1999 Edition*** provides as follows;

"The court may on such terms as it thinks just, by order extend or abridge the period within which a person is required or authorized by these rules, or by any judgment, order or direction, to do any act in any proceedings."

1.4 In the case of **D.E Nkhuwa V Lusaka Tyre Services Limited (1977) Z.R 43(S.C)** the court held;

"the granting of an extension of time is entirely in the discretion of the court, but such discretion will not be exercised without good cause..."

My Lord, as evidence in the Affidavit in Support of this Application, the failure to serve the petition on the Respondents within 5 days is due to an administrative lapse on the Court registry part , and therefore, we have applied for the extension of time as promptly as we could.

My Lord, the above cited law reveals that this Honourable Court is clothed with wide discretion to allow the Petitioner to serve the Petition and pay security for costs out of time. My Lord, Order II rule 2 of the High Court Rules Chapter 27 of the laws of Zambia gives this Honourable Court the powers and discretion to enlarge time within which a party is supposed to do a particular act and further Order III rule 2 clothes this Court with power to make any interlocutory application necessary for doing justice.

My Lord, we submit that this is an appropriate case where this Honourable Court can exercise its discretion and allow the Petitioner to serve the petition on the respondents out of time.

2.0 Conclusion

We submit that this is an appropriate instance within which the Court can exercise its discretion and grant the Petitioner Leave to serve the petition and pay security for costs out of time.

We are much obliged.

Dated this _____ day of _____ 2026

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Email:info@aongolaandco.com
Lusaka
(Co Advocates for the Petitioner)

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BETWEEN

GEOFFREY CHUMBWE	**PETITIONER**
AND	
ANITA KAMANGA	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN SUPPORT OF SUMMONS FOR LEAVE TO SERVE PETITION ON RESPONDENTS AND PAY SECURITY FOR COSTS OUT OF TIME

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REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
15 SEP 2026
PRINCIPAL REGISTRY 8
P.O. BOX 50067, LUSAKA

AFFIDAVIT IN SUPPORT OF APPLICATION

I, DANIEL MWABA of Lilayi, unnumbered plot in Kafue District of Lusaka Province in the Republic of Zambia do hereby **MAKE OATH** and state as follows:

1. That my full names and residential address are as stated above.
2. That I am a male adult of sound mind and disposition and the Counsel with conduct of the matter and as such competent to depose to this affidavit.

3. That I had documents brought to the Principal Registry Lusaka for filing of the petition for the said petitioner on the 31st August,2026
4. That there was a mix-up in the registry on the said date and we were advised to collect stamped documents on Wednesday since the next Tuesday was a holiday
5. That the petition we filed was given a Wednesday date which state of affairs we brought to the attention of the Registry.
6. As of Tuesday,15th September,2026 we are yet to receive the formal response from the Registry to determine whether we can now proceed to serve the documents or not
7. That the failure to serve the petition and pay security for costs in the 5 days provided for is not without good cause
8. That this court has power to enlarge time in which an action can be done if it determines there is good cause
9. That once the Petitioner get official feedback on the dates on 15th September,2026 from the Court Registry, they are ready to proceed to serve and pay security for costs if this court allows them.
10. That all that I have deposed to herein is true to the best of my knowledge and belief save those based on information the sources of which I have disclosed.

SWORN by the said)
DANIEL MAYUKA MWABA)
at Lusaka this..15.....)
Day of ...Sept...2026)

DEPONENT

BEFORE ME:.....
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
15 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA