IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/034**

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Election Jurisdiction)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
11 SEP 2026
PRINCIPAL REGISTRY 5
P.O. BOX 50067, LUSAKA

IN THE MATTER OF: **ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT, NO. 2 OF 2016 OF THE LAWS OF ZAMBIA.**

IN THE MATTER OF: **SECTION 55,81,86,87,89,96,97,98,99,100,106,107 AND 108 OF THE ELECTORAL PROCESS ACT, NO. 35 OF 2016.**

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

AND

IN THE MATTER OF: **AN ELECTION PETITION RELATING TO SENGA HILL CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THURDAY, 13TH AUGUST, 2026.**

BETWEEN:

SAFELI MULENGA (MALE) **PETITIONER**

AND

MUKWAVI C. SICHULA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

NOTICE OF MOTION TO RAISE A PRELIMINARY ISSUE ON A POINT OF LAW

Pursuant to Rule 17(1) of the High Court (Election Petition) Rules, Statutory Instrument No. 31 of 2026 as read with Order III Rule 2 of the High Court Rules, Chapter 27 of the Laws of Zambia

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TAKE NOTICE that when this matter comes up for hearing on the **----------day of ----------** at **----------hours** in the ----------noon before **HON. JUSTICE MR/MRS----------**the 1st Respondent intends to raise the following preliminary issue on a point of law:

(i) Whether the Petition is properly before Court when it was filed in violation of Rule 9(3) (c) of the High Court (Election Petition) Rules, S.I. No. 31 of 2026.

THAT the costs of and incidental to this Application be borne by the Petitioner.

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

Settled by Counsel of: ----------

Messrs GM Legal Practitioners
Plot No. 17, Kabulonga Road,
LUSAKA.
Email:gm@gmlegalpractioners.com
ADVOCATES FOR THE 1ST RESPONDENT

TO: Messrs. Muma Mpempa Legal Practitioners,
Plot No. 9039, House No.2, Chimutinta Close,
Woodlands, off Buluwe Road,
LUSAKA.
Email: business@mlp.co.zm
ADVOCATES FOR THE PETITIONER

TO: THE ELECTORAL COMMISSION OF ZAMBIA,
Elections House, Haile Selassie Avenue,
Long Acres, P.O. Box, 50274,
LUSAKA
ADVOCATES FOR THE 2ND RESPONDENT