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

2026/HP/EP/036

IN THE MATTER OF: ARTICLE 1 (2), (3) AND 8 (c), (d), (e) OF THE CONSTITUTION OF ZAMBIA, CHAPTER ONE OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: REQULATION 47 OF THE ELECTORAL PROCESS (GENERAL) REQULATIONS, 2016

AND

IN THE MATTER OF: ARTICLE 45 (1)(a), (2)(a) (b)(c), 73(1) OF THE CONSTITUTION OF ZAMBIA AS READ TOGETHER WITH SECTION 64, 69, 70, 96, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF: SECTION 81 (1)(a), 83 (1) (a)(d), (2) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

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

AND

IN THE MATTER OF: AN ELECTION PETITION RELATING TO KABWATA CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THE 13TH DAY OF AUGUST, 2026

BETWEEN:

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

TAYENGWA ANDREW — PETITIONER

AND

YENGA DANNY — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

SUMMONS FOR EXTENSION OF TIME WITHIN WHICH TO FILE ANSWER, AFFIDAVIT IN OPPOSITION, SKELETON ARGUMENTS AND LIST OF AUTHORITIES PURSUANT TO RULE 17 (1) OF THE HIGH COURT(ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT NO. 31 OF 2026

LET ALL PARTIES concerned attend before Honourable ..... in Chambers on the ..... day of .....2026 at .....hours in the .....noon on the hearing of an application by the 2nd Respondent herein for on Order for extension of time to file an Answer, Affidavit in Opposition, Skeleton Arguments and List of Authorities on the grounds deposed to in the Affidavit in Support hereof and that costs be in the cause.

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

Per:.....

Messrs Lukona Chambers
Plot No. 874
Suite 4
Lex House
Tito Road
Rhodes Park
P.O Box 31160
LUSAKA
E-mail: lukonachambers@gmail.com
Advocates for the 2nd Respondent

To: **The Petitioner and their Advocates**
Messrs Kamwi Andeleki Legal Practitioners
Head Office
Premium House
8th Floor – Suite 801B
P.O Box 37619
LUSAKA

To: **The 1st Respondent**
LUSAKA

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
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2026/HP/EP/036

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

SKELETON ARGUMENTS IN SUPPORT OF SUMMONS FOR EXTENSION OF TIME WITHIN WHICH TO FILE ANSWER PURSUANT TO RULE 17 (1) OF THE HIGH COURT(ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT NO. 31 OF 2026

May it please this Honourable Court.

Legislation referred to:

- High Court (Election Petition) Rules, 2026, Statutory Instrument NO. 31 of 2026
- High Court Rules, Chapter 27 of the Laws of Zambia

Cases referred to:

Rule 17 of the **High Court (Election Petition) Rules, 2026, Statutory Instrument NO. 31 of 2026** provides for interlocutory applications. It states;

"17 (1) Subject to subrule (3), a party may make an interlocutory application to be heard and determined by the Court.
(2) The Court may give directions or orders in relation to any interlocutory matter."

Order 2, rule 2 of the **High Court Rules, Chapter 27 of the Laws of Zambia** provides for enlargement of time. It states;

"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 effectthe object sought to have been obtained with the consent of the other party, and such order may be made although the application for the order is not made until after the expiration of the time allowed or appointed."

From the foregoing, we pray that the 2nd Respondent be granted leave to file an Answer and supporting documents.

We are obliged.

Per:.....

Messrs Lukona Chambers
Plot No. 874
Suite 4
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Tito Road
Rhodes Park
P.O Box 31160
LUSAKA
E-mail: lukonachambers@gmail.com
Advocates for the 2nd Respondent

To: **The Petitioner and their Advocates**
Messrs Kamwi Andeleki Legal Practitioners
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LUSAKA

To: **The 1st Respondent**
LUSAKA

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BETWEEN:

TAYENGWA ANDREW — PETITIONER

AND

YENGA DANNY — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

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

AFFIDAVIT IN SUPPORT OF SUMMONS FOR EXTENSION OF TIME WITHIN WHICH TO FILE ANSWER PURSUANT TO RULE 17 (1) OF THE HIGH COURT(ELECTION PETITION) RULES, 2026, STATUTORY INSTRUMENT NO. 31 OF 2026

I, **PHINESTONE SIMBANGALA**, of Plot No. A228, Chamba Valley, Foxdale in the District and Province of Lusaka in the Republic of Zambia **DO HEREBY MAKE OATH** and **SAY** as follows: -

1. That my full names and residential address are as stated above.
2. That I am a Zambian national.
3. That I am a Clerk in the firm known as Lukona Chambers, Advocates for the Plaintiff and as such have authority to swear this Affidavit from facts within my personal knowledge and belief.
4. That Messrs Lukona Chambers was only given instruction to take up the matter on 6th September, 2026 by the 2nd Respondent.
5. That Messrs Lukona Chambers only managed to get instructions for the Answer and Affidavit in Oppostion on 11th September, 2026.
6. `That the delay in filing the Answer and supporting documents is not deliberate nor meant to disrespect this Honourable Court.
7. That the 2nd Respondent has prepared its Answer, Affidavit in Opposition and List of Authorities. Now produced and shown to me marked "**PS/1**" is a copy of the aforesaid Answer, Affidavit in Opposition and List of Authorities.
8. That we sought the consent of the Petitioner for extension of time to file an Answer and supporting documents through an e-mail dated 11th September, 2026 to the Petitioners' Advocates, but the Petitioners Advocates never responded. Now produced and shown to me marked "**PS/2**" is a copy of the aforesaid e-mail.
9. That the delay is not inordinate.
10. That it is in the interests of justice that the matter herein is heard on its merits.
11. That the Petitioner will not suffer any prejudice if time is extended within which to file an Answer and supporting documents.
12. That I depose to the contents of this Affidavit verily believing the same to be true and correct to the best of my knowledge and belief.

SWORN by the said)
PHINESTONE SIMBANGALA)
at Lusaka this ..... day of)
.....2026)

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

BEFORE ME:.....
COMMISSIONER OF OATHS

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/036**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

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BETWEEN:

TAYENGWA ANDREW **PETITIONER**

AND

YENGA DANNY **1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

These are the exhibits marked "**PS/1**" and **"PS/2"** as referred to in the Affidavit sworn by **PHINESTONE**

SIMBANGALA.

Dated at Lusaka this ..... day of .....2025.

BEFORE ME:.....
COMMISSIONER OF OATHS

