IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/032**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
PRINCIPAL REGISTRY

IN THE MATTER OF: **ARTICLE 73 (1) OF THE CONSTITUTION, CHAPTER 1 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 97 (2) (b) AND 100 (2) (a) AND (3) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**

AND

IN THE MATTER OF: **SECTION 9 (1) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 STATUTORY INSTRUMMENT NO. 31 OF 2026**

AND

IN THE MATTER OF: **PARLIAMENTARY ELECTIONS FOR LUSAKA CENTRAL HELD ON THE 13TH DAY OF AUGUST, 2026 AND RESULTS DECLARED ON 17TH AUGUST 2026.**

BETWEEN:

CHARITY CHANDA LUMPA **PETITIONER**

AND

MUSAIWALE MLEWA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

AFFIDAVIT OF SERVICE

I, **ERICK JAMES KABWEBWE,** a Zambian National of No. 5 Chinungu Close, off Mwatusanga road, Lusaka, in the Lusaka Province of the Republic of Zambia **DO HEREBY MAKE OATH** and **SAY** as follows:

1. My full names and address are as stated above.
2. That I am a Zambian National.
3. That I am Counsel seized with conduct of this matter on behalf of the Petitioner herein and as such I have authority to depose to the contents of this my Affidavit from facts within my personal knowledge and information.

4. That on the 7th September, 2026, I did cause the Court process to be advertised in the Times of Zambia newspaper. There in now produced and shown to me is the copy of the exhibit collectively marked **"EJK1."**
5. That the said Service is deemed as good and proper service.
6. That I depose to the facts contained herein, verily believing the same to be true and correct to the best of my knowledge.

SWORN by the said)
Erick James Kabwebwe)
at Lusaka this ____ day of)
_____ 2026)

DEPONENT

BEFORE ME: _____

COMMISSIONER FOR OATHS

HIGH COURT OF ZAMBIA
SENIOR CLERK OF COURT
COMMERCIAL DIVISION
0 / SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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AND	
MUSAIWALE MLEWA	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

This is the document referred to as Exhibit in the Affidavit of **ERICK JAMES KABWEBWE** marked and produced as **"EJK1"**

Datec at Lusaka this _____ Day of _____ 2026.

HIGH COURT OF ZAMBIA
SENIOR CLERK OF COURT
COMMERCIAL DIVISION
0 / SEP 2026

BEFORE ME: _____

COMMISSIONER OF OATHS

COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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BETWEEN:

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REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
04 SEP 2025
PRINCIPAL REGISTRY
P.O. BOX 50067, LUSAKA

AND

MUSAIWALE MLEWA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

EX-PARTE SUMMONS FOR AN ORDER TO SERVE PROCESS BY SUBSTITUTED SERVICE

(pursuant to Order x Rule 3 of the High Court Rules, cap 27 of the Laws of Zambia)

LET THE PARTY concerned attend before the Honourable ..... in chambers on the ..... day of ..... 2026 at ..... hours in the ..... noon on the hearing of an application on the part of the Petitioner for an order to serve process upon the 1st Respondent by substituted service for the reasons stated in the Affidavit in Support filed herewith.

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

Per: Munati Chambers, No. 5 Chinungu Close, off Mwatusanga Road,, Woodlands, P. O. Box 320073, Lusaka, Email: info@munatilaw.com **Advocates for the Petitioner**

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BETWEEN:

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ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
04 SEP 2025
PRINCIPAL REGISTRY 7
P.O. BOX 50067, LUSAKA.

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN SUPPORT OF EX-PARTE SUMMONS FOR AN ORDER TO SERVE PROCESS BY SUBSTITUTED SERVICE

LIST OF AUTHORITIES

1. High Court Rules, High Court Act Chapter 27 of the Laws of Zambia

SKELETON ARGUMENTS

MAY IT PLEASE THIS HONOURABLE COURT these are the Petitioner's skeleton arguments by counsel in support of Ex-Summons for an order to serve process by Substituted Service:

1.0 **MY LADY / LORD**, we submit that this Honourable court is clothed with discretion to order service of court process by way of substituted service. We are fortified in our submission by the provisions Order X rule 3 of the High Court Rules, High Court Act Chapter 27 of the Laws of Zambia which provides that:

"Where personal service of any writ, notice, pleading, summons, order, warrant or other document, proceeding or written communication is required and it is made to appear to the Court or a Judge that prompt personal service cannot be effected, the Court or a Judge may make such order for substituted or other service, or for the substitution for service of notice by letter, public advertisement or otherwise, as may be just. Every application to the Court or a Judge for an order to be made under this rule shall be supported by an affidavit setting forth the grounds upon which the application is made"

2.0 **MY LADY / LORD**, we submit that affidavit evidence herein shows that the Petitioner through their advocates have invested efforts to effect personal service of the Petition and accompanying documents but the attempts have been frustrated by an absence of publicly listed address or contact numbers for the 1st Respondent.

3.0 MY LADY / LORD, we submit that this is a deserving case in which this Honourable Court should exercise its discretion and grant the Petitioner leave to serve court process by publication in the newspaper.

WE ARE MOST OBLIGED AND BEG TO MOVE.

Dated the ..... day of 2026

Per: .....

Munati Chambers
No. 5 Chinungu Close, off Mwatusanga Road,
Woodlands
P. O. Box 320073
Lusaka
Email: info@munatilaw.com
Advocates for the Petitioner

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ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 04 SEP 2025 PRINCIPAL REGISTRY 7 P.O. BOX 50067, LUSAKA.

EX – PARTE ORDER

UPON HEARING Counsel for the Petitioner;

AND UPON READING the affidavit of one Jonas Kapungu Matende filed herein;

IT IS HEREBY ORDERED that;

1. the Application for an order to serve process on the 1st Respondent via substituted service **BE** and **IS hereby GRANTED.**
2. the Petitioner shall serve process by way of publication in a newspaper of nationwide circulation
3. the cost of this application shall be in the cause.

Dated the ..... day of 2026

HIGH COURT JUDGE

Order drawn by: Munati Chambers, No. 5 Chinungu Close, off Mwatusanga Road, Woodlands P. O. Box 320073 Lusaka Email: info@munatilaw.com **Advocates for the Petitioner**