

**SELECTED JUDGMENT NO. 2 OF 2018**

**IN THE CONSTITUTIONAL COURT FOR ZAMBIA  
HOLDEN AT KABWE  
(Civil Jurisdiction)**

**Appeal No. 16/2017  
HP/EP/0025/2016**

**IN THE MATTER OF: ARTICLES 47 (2), 68 (1), (2a) & 73 (3)**

**IN THE MATTER OF: ALLEGED CONTRAVENTION OF ARTICLES 45  
(2a), (C) & (d), 47 (2) & 68 (1) & (2a)**

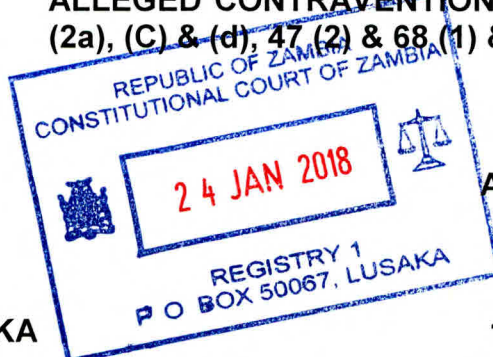
**BETWEEN**

**CHRISTABEL NGIMBU**

**AND**

**PRISCA CHISENGO KUCHEKA**

**ELECTORAL COMMISSION OF ZAMBIA**



**APPELLANT**

**1<sup>ST</sup> RESPONDENT**

**2<sup>ND</sup> RESPONDENT**

Coram: Chibomba, PC, Mulenga, Mulembe, Mulonda and Munalula, JJC.

On 12<sup>th</sup> July, 2017 and on 24<sup>th</sup> January, 2018.

For the Appellant: Mr. A. D. M. Mumba of AD Mwansa Mumba & Associates.

For the 1<sup>st</sup> Respondent: Mr. K. Mweemba, of Keith Mweemba Advocates and Mr. G. Phiri of PNP Advocates.

For the 2<sup>nd</sup> Respondent: Ms. M. M. Mulenga, In-House Counsel, Electoral Commission of Zambia.

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## **J U D G M E N T**

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**Chibomba, PC, delivered the Judgment of the Court.**

**Cases referred to:**

1. **Attorney General v Million Juma (1984) Z.R.1.**
2. **Buhari v Obasanjo (2005) CLR 7K.**
3. **Michael Mabenga v Sikota Wina, Wallace Mafo and George Samulela (2003) Z.R. 43.**
4. **Morgan and Others v Simpson and Another [1974] 3 All E.R. 722.**

5. **Akashambatwa Mbikusita Lewanika and Others v Fredrick Chiluba (1999) 1 LRC 138.**
6. **Anderson Kambela Mazoka and two Others v Levy Patrick Mwanawasa and two Others (2005) Z.R. 138.**
7. **Webster Chipili v David Nyirenda SCZ Appeal Judgement No. 35 of 2003.**
8. **Wiheim Roman Buchman v Attorney General, SC Judgment No. 14 of 1994.**
9. **Loongo v Shepande (1984) Z.R. 71.**
10. **Phiri v Phiri (1979) Z.R. 126.**
11. **Woodward v Sarsons [1874-80] All E.R. Rep 262.**
12. **Attorney General v Kakoma (1975) Z.R. 212.**
13. **Steven Masumba v Elliot Kamondo- Selected Judgment No. 53 of 2017.**
14. **Kehar Singh and others v State (Delhi Admn.) -1988 SCR Supl. (2) 24.**
15. **Michael Chilufya Sata v Rupiah Bwezani Banda and two others- SCZ/8/EP/01/2008.**

**Legislation referred to:**

1. **Electoral Process Act No. 35 of 2016.**
2. **Constitutional Court Rules, 2016 (CCR).**
3. **Electoral Process (General) Regulations, 2016.**
4. **Interpretation and General Provisions Act, Chapter 2 of the Laws of Zambia.**
5. **Acts of Parliament Act, Chapter 3 of the Laws of Zambia.**

**Works referred to:**

1. **Halsbury's Laws of England, 4<sup>th</sup> Edition, Volume 15 (4).**
2. **Black's Law Dictionary, 10<sup>th</sup> Edition, by Bryan Garner.**

The Appellant who was the Petitioner in the Court below appeals against the Judgment of the High Court which dismissed her petition against the 1<sup>st</sup> and 2<sup>nd</sup> Respondents on account of want of merit.

The facts leading to this appeal are that the Appellant, who stood on the Patriotic Front (PF) ticket, and the 1<sup>st</sup> Respondent, who stood on the United Party for National Development (UPND) ticket together with two other candidates were parliamentary candidates for Zambezi West

