

**IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**
(Family Jurisdiction)

2017/HPF/D265

BETWEEN:

CHANDA MWAMBA BWALYA

AND

FRIDAY BWALYA



PETITIONER

RESPONDENT

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 12th DAY OF
JANUARY, 2018**

For the Petitioner : Ms K. Chulu and Ms P. Kafumbe, Legal Aid Counsel,
Legal Aid Board

For the Respondent : In person

J U D G M E N T

LEGISLATION REFERRED TO:

- 1. The Matrimonial Causes Act No 20 of 2007**
- 2. The Matrimonial Causes Rules 1973**

OTHER WORKS REFERRED TO:

- 1. Rayden and Jackson's Law and Practice in Divorce and Family Matters
Volume 1, 16th Edition, Butterworths London, 1991**

This petition for the dissolution of marriage was filed on 19th October, 2017, pursuant to the provisions of Sections 8 and 9 (1) (d) of the Matrimonial Causes Act, No 20 of 2007. The petition states that the Petitioner and the Respondent were lawfully married on 29th June, 2013 at the Kitwe Civic Centre. That the parties who are both domiciled in Zambia last lived together as husband and wife at Number 5 Omnia

Flats, Fairview in Mufulira on the Copperbelt Province of the Republic of Zambia.

The petition states that the Petitioner is self-employed and resides at Plot 12092/D Harry Mwanga Nkumbula Road in Woodlands Chalala, Lusaka and the Respondent, a Micro-Biologist working for Seed Co resides in Chalala, which is also in Lusaka. It is stated that there is one child of the family now living, namely Mutemwa Bwalya born on 24th September, 2013.

That there have been no proceedings in any Court in Zambia or elsewhere with reference to the said marriage or the property of either or both of them, and that there are no proceedings continuing in any court in Zambia with respect to the marriage that are capable of affecting its validity or substance. Further that no arrangements have been made for the support of the Petitioner. The Petitioner contends that the marriage has broken down irretrievably as the parties have lived apart for a continuous period of two years immediately preceding the presentation of the petition, and the Respondent consents to the marriage being dissolved. She prays that the marriage be dissolved, and that each party bears their own costs.

The Respondent did not file an answer or fill in the acknowledgement of service, but signed the consent to dissolve the marriage. At the hearing both parties testified, and the Respondent called one witness.

In her testimony, the Petitioner confirmed that she is the person that had filed the petition to dissolve the marriage. She repeated the contents of the petition, adding that she had filed a photocopy of the marriage certificate as proof that the parties were married. The Petitioner also stated that the marriage has broken down irretrievably as the parties

