

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

2017/HP/D008

BETWEEN:

PRETTY KATOZHI MBENGA CHOLA

AND

STEVEN CHOLA**PETITIONER****RESPONDENT**

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 16th DAY OF
AUGUST, 2017**

For the Petitioner : In person

For the Respondent : No appearance

J U D G M E N T

CASES REFERRED TO:

1. *Anne Susan Dewar V Peter Alexander Dewar 1971 ZR 38*

LEGISLATION REFERRED TO:

1. *The Matrimonial Causes Act No 20 of 2007*

The Petitioner filed a petition for the dissolution of marriage on 29th March, 2017, pursuant to Sections 8 and 9 (1) (b) of the Matrimonial Causes Act No 20 of 2007.

The petition states that the Petitioner and the Respondent were lawfully married on 14th March, 2014, at the office of the Registrar of marriages in Lusaka. That immediately after the solemnization of the marriage the parties lived as husband and wife in Arakan Barracks in Lusaka. The petition further states that the parties last lived together at house

number D64 Arakan Baracks in Lusaka, and that they are both domiciled in Zambia.

Paragraph 5 of the petition avers that the Petitioner is a Sergeant in the Zambia Army and resides at house number 57 B Company, Arakan Baracks, while the Respondent is a retired army officer and resides at house number D64, Arakan Baracks. It is stated that there is one child of the family now living namely Esther Chola, born on 22nd December, 2015.

The Petitioner in paragraph 7 of the petition states that there have been no proceedings in court in Zambia with reference to the marriage, or the property of either or both of them, and that there are no proceedings in any court outside Zambia with respect to the marriage which are capable of affecting its validity or substance. It is also stated that no agreement has been made between the parties with respect to the maintenance of either of them, or the children of the family.

The Petitioner states that the marriage has broken down irretrievably as the Respondent has behaved in such a way that she cannot reasonably be expected to live with him. The particulars of the unreasonable behavior are stated as;

1. *The Respondent having extra marital affairs, and having several children out of wedlock with different women, most of whom he did not disclose to the Petitioner.*
2. *The Respondent being physically abusive, and violent, resulting in the Petitioner fearing for her life. That on 9th November, 2016 the Respondent beat her after she felt electric shock on her neck when she returned to the matrimonial home after having been to see a friend, and found the Respondent home after he had disappeared for*

