

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

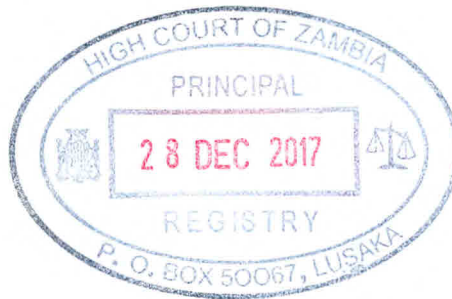
2017/HPF/D225

BETWEEN:

YVONNE MUTUMBI

AND

ANTHONY MULAMBWA



PETITIONER

RESPONDENT

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 28th DAY OF
DECEMBER, 2017**

For the Petitioner : In person

For the Respondent : No appearance

J U D G M E N T

LEGISLATION REFERRED TO:

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

The petition for dissolution of marriage was filed pursuant to Sections 8 and 9 (1) (d) of the Matrimonial Causes Act No 20 of 2007. The petition shows that the Petitioner was lawfully married to the Respondent on 22nd December, 2004 at the Office of the Registrar of Marriages in Lusaka. That the parties last lived as husband and wife at number 31 Dongwe Road in Kamwala, Lusaka in the month of March, 2014.

The petition further states that both parties are domiciled in Zambia, and the Petitioner is a Country Co-ordinator at Agripo Focus/SNV, and that the Respondent is a businessman. That there are two children of the

family now living namely, Shuko Beraiah Mulambwa born on 29th March, 2008 and Muhau Abigail Mulambwa born on 10th October, 2012.

It is also stated in the petition that there have been no proceedings that are continuing in any court outside Zambia in respect of the marriage, that are capable of affecting its validity or substance. The Petitioner alleges that the marriage has broken down irretrievably as the parties have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition, and the Respondent consents to the divorce being granted.

The Petitioner therefore prays that the marriage be dissolved, that both parties maintain the children of the family, and that each party bears their own costs of the proceedings.

The Respondent did not file an answer but completed the acknowledgement of service form in which he agreed that he is the person named in the petition, and that he did not intend to defend the petition, and he consented to divorce being granted. He further signed the consent to the dissolution of marriage.

At the hearing, only the Petitioner was before court, and she repeated the contents of the petition. She also testified 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 divorce being granted.

The Petitioner further testified that the parties went on separation in March, 2014, and have had no contact with each other since. She went on to state that the Respondent had given his consent to divorce in writing, and prayed that the marriage be dissolved. Further that there be an order for maintenance and that she heard on property settlement.

