

IN THE HIGH COURT FOR ZAMBIA 2017/HP/D247
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Divorce Jurisdiction)



BETWEEN:
ADINAS PHIRI

AND

MAXWELL CHISOTI

PETITIONER
RESPONDENT

Before the Honorable Mrs. Justice S.M Wanjelani this 12th day of February, 2018, in Chambers

For the Petitioner : Ms. Mulenga, Messrs Isaac and Partners
For the Respondent : In person

JUDGMENT

Legislation referred to:

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

This is a Petition for dissolution of Marriage filed on 4th October, 2017 by **Adinas Phiri**, the Petitioner, on the ground that the Marriage had broken down irretrievably as the Parties to the marriage had lived apart for a continuous period of five years. The Petition was filed pursuant to sections **8** and **9(1)(e)** of the **Matrimonial Causes Act No. of 20 of 2007** (hereinafter referred to as the "Act"). The Respondent did not file an Answer.

A hearing was called for by the Court as required by the provisions of **Section 9 (2)** of the **Act**, which state:

"(2) On a petition for divorce it shall be the duty of the Court to inquire, so far as it reasonably can, into the facts alleged by the petitioner and into any facts alleged by the respondent."

During the hearing the Petitioner reiterated the contents of the Petition. She confirmed that she was lawfully married to **MAXWELL CHISOTI**, the Respondent, on 29th August, 1997 at the Civic Centre at Lusaka, in the Republic of Zambia, and that the marriage was registered with the Registrar of Marriages pursuant to the Marriage Act. The Petitioner identified a copy of the Marriage Certificate and tendered it as part of her evidence.

The Petitioner stated that the Parties last lived as husband and wife at Plot 33 Machili Road Kamwala, Lusaka and that they are both domiciled in the Republic of Zambia. She added that she is employed as a Procurement Specialist at the Road Development Agency while the Respondent is, as far as is known to the Petitioner, as Pastor of Praise Christian Centre.

In her further testimony, the Petitioner informed the Court that there are 4 children of the family now living, namely, **Mulombe Chisoti** aged 18 years, **Abigail Chisoti** aged 16 years, **Chisomo Chisoti** aged 14 years and **Josiah Chisoti** aged 10 years old and that no other child now living has been born to the Respondent during the marriage as far as is known to the Petitioner.

