

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

2017/HPF/D212

BETWEEN:

MANKOMBA EMELDA

AND

JOB PHIRI



PETITIONER

RESPONDENT

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 20th DAY OF
FEBRUARY, 2018**

*For the Petitioner : Ms Jean Lumamba Mckees, 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

This petition for the dissolution of marriage was filed on 24th August, 2017, pursuant to Sections 8 and 9 (1) (b) and (d) of the Matrimonial Causes Act, No 20 of 2007.

The petition states that the Petitioner, Emelda Mankomba, was lawfully married to the Respondent, Job Phiri at the Lusaka Civic Centre on 20th July, 2001. That the parties who are both domiciled in Zambia lived as husband and wife at house number H16, Lilayi Paramilitary Camp. The petition further

states that the Petitioner is a teacher at Parklands Secondary School, and resides at Plot 564/24, Flat 3 Kabanana Compound in Lusaka, and that the Respondent is a taxi driver, and resides in Chilenje Compound.

That there are four children of the family now living, namely, Kimwesho Phiri born in 2002, aged 14 years and is in grade 9 at Kabulonga Boys Secondary School, Lusekelo Phiri born in 2008 and she is in grade 5 at Nyumba Yanga Primary School, Chipo Phiri born in 2010 and she is in grade 3 at Nyunga Yanga Primary School, and Chilelo Phiri, born in 2013 and she is in pre-grade at Mount Sinai School.

The petition states that there have been no proceedings in any court in Zambia or elsewhere with respect to the marriage or the property of either of the parties, and there are no proceedings continuing in any court outside that are capable of affecting the validity of the marriage. It is stated 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.

Further that the Respondent moved out of the matrimonial home without giving any reasons, and that during the subsistence of the marriage, he was verbally abusive towards the Petitioner, and insulted her on different occasions, and spoke ill of her. That the Respondent was also physically abusive towards the Petitioner, and was so violent on one occasion that he beat her up badly. The Petitioner prays that the marriage be dissolved, and she be granted custody of the children of the family. Further that each party bears their own costs of the proceedings.

The Respondent did not file an answer but completed the acknowledgement of service, and signed the consent to dissolve the marriage. At the trial both parties testified, and did not call any witnesses.

