



2017/HPF/294

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

BETWEEN:

**LENGANJI SIMFUKWE MUWOWO****PETITIONER**

AND

**ERNEST MUWOWO****RESPONDENT**

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 22<sup>nd</sup> DAY OF  
FEBRUARY, 2018**

*For the Petitioner : In person*

*For the Respondent : In person*

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## **J U D G M E N T**

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LEGISLATION REFERRED TO:

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

This petition for the dissolution of marriage was filed pursuant to Sections 8 and 9 (1) (d) of the Matrimonial Causes Act No 20 of 2007, on 22<sup>nd</sup> November, 2017. The petition states that the Petitioner, Lenganji Simfukwe Muwowo was lawfully married to the Respondent, Ernest Muwowo on 25<sup>th</sup> November, 2009, at the office of the Registrar of Marriages at the Luanshya Civic Centre.

That the parties who are both domiciled in Zambia last lived as husband and wife at Flat 3 Esheni Road at the town centre in Luanshya, and that the Petitioner is a banker at Barclays Bank, while the Respondent is a

businessman. It is also stated that there are two children of the family now living, namely Kondwani Muwowo, a boy born on 29<sup>th</sup> May, 2011, and is in grade one at Luanshya Trust School, and Taonga Muwowo, a girl born on 26<sup>th</sup> April, 2014, and is in baby class at Luanshya Trust School.

That there are no other children born to the Respondent during the subsistence of the marriage, so far as is known to the Petitioner, and that there have been no previous proceedings in any court in Zambia with reference to the marriage or the property of either or both of them. Further that there are no proceedings continuing in any court outside Zambia with respect to the marriage, that are capable of affecting its validity or substance, and no arrangements have been made with regard to the support of the parties.

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, having separated sometime in April, 2015, and the Respondent consents to divorce being granted. The Petitioner prays that the marriage be dissolved, and that the parties be granted joint custody of the children, and that there be adjustment of property. Further that each party bears their own costs of the proceedings.

The Respondent did not file an answer, but completed the acknowledgement form in which he stated that he did not intend to defend the petition, and he consented to divorce being granted based on the fact that the parties have lived apart for a continuous period of two years immediately preceding the presentation of the petition. He also signed the consent to the dissolution of the marriage.

