

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA**
(Divorce Jurisdiction)

2016/HP/D.0184

BETWEEN:

CHISHALA BUFUMA

AND

NYAMUTUMA MWANDILA BUFUMA



Petitioner

Respondent

**Delivered before the Hon. Mrs. Justice G. Milimo-Salasini on the 26th day of
December, 2017.**

For the Petitioner: In Person

For the Respondent: In Person

J U D G M E N T

Legislation referred to:

- 1. Matrimonial Causes Act, Number 20 of 2007 of the Laws of Zambia.*

This is a Petition for dissolution of marriage Pursuant to **Section 9 (1) (e) of Matrimonial Causes Act No. 20 of 2007 of the Laws of Zambia** filed by the Petitioner, Chishala Bufumu on the 13th July, 2016. The Petition shows that **Chishala Bufumu** was lawfully married to **Nyamutuma Mwandila Bufumu** at the Registrar of Marriages at Civic Centre, Lusaka City of the District of Lusaka in the Republic of Zambia on 7th July, 2012.

The Petitioner and the Respondent thereafter resided at House No. 9, Calcium Street, Kamwala South, Lusaka as husband and wife. Both the Petitioner and the Respondent

are domiciled in the Republic of Zambia. The Petition also shows that the Petitioner is a Key Accounts Manager at Airtel Networks Zambia PLC and the Respondent is a Secondary School Teacher employed by the Republic of Zambia. That there are no proceedings in Zambia or elsewhere with reference to this marriage containing which can affect its validity or its subsistence. That there is one male child born on 24th January, 2010 outside wedlock from the Petitioner known to both the Petitioner and the Respondent. That there is one female child born on 16th December, 2014 from both the Petitioner and the Respondent.

That the parties to this marriage have lived apart for a period of two (2) years. The Petitioner states that the marriage has broken down irretrievably.

The Particulars of the unreasonable behavior are;

- a. That the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent in that she has refused to accept the Child born of the Petitioner before the said marriage in their matrimonial home.

The Petitioner prays for;

- a. That the said marriage be dissolved.
- b. That a Decree Nisi be granted.
- c. The cost of these proceedings be in the cause.

On the 21st July, 2017 the Petitioner filed into court an Application Requesting for Directions for a trial date. The Application was granted on the 25th July, 2017 by the Honourable Deputy Registrar of the High Court.

On the 16th August, 2017 the matter commenced trial and both the Petitioner and the Respondent were present before court.

The Petitioner testified before court under oath that he and the Respondent separated on 26th May, 2014 and that they have lived separately since then. The Petitioner also

