

**SELECTED S.C. JUDGMENT NO 66 OF 2017**

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**IN THE SUPREME COURT OF ZAMBIA**

**APPEAL NO. 141/2014**

**HOLDEN AT LUSAKA**

**SCZ/8/77/2014**

*(Civil Jurisdiction)*

**BETWEEN:**

MATHEW CHOMBO



APPELLANT

**AND**

ELIZABETH MULENJE (THE REIGNING-SENIOR  
CHIEFTAINESS NKOMESHA MUKAMAMBO II)

RESPONDENT

**CORAM: Mwanamwambwa, D.C.J., Hamaundu, Malila,  
Kaoma, & Musonda, J.J.S.**

On the 10<sup>th</sup> of October, 2017 and 4<sup>th</sup> January, 2018

*For the Appellant: Dr. O. Banda, S.C., of Messrs OMM Banda and Company*

*For the Respondent: Mrs. M. Zaloumis of Messrs Dove Chambers*

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## **JUDGMENT**

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**Mwanamwambwa, D.C.J., delivered the Judgment of the Court**

***Cases referred to:***

1. **Violet Kambole Tembo v. David Lastone Tembo (2004) Z.R. 79 (SC)**
2. **Frieslaar v. Frieslaar 2010/HP/D124**
3. **Chiyungu v. Chiyungu (2013) 2 Z.R. 156.**
4. **Musona v. Musona 2010/HP/D.86 (unreported)**
5. **Ernest Karl Paul Lembe v. Kearney and Company Limited (1979) Z.R. 20**

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6. J.K. Mpofu v. Impregilo Recchi (Zambia) Ltd and Goodwin Mungandi (1979) Z.R. 51
7. Water Wells Ltd v. Wilson Samuel Jackson (1984) Z.R. 98
8. Anne Scott v. Oliver Scott (2007) Z.R. 17
9. Attorney General and the MMD v. Lewanika and 4 others (1993-94) Z.R. 164 (SC).

***Legislation referred to:***

1. The High Court Rules, Chapter 27 of the Laws of Zambia, Order 30 Rule 10
2. The Rules of the Supreme Court, 1999, Order 14A rule 1
3. The Matrimonial Causes Rules, 1977, Rule 124 (1)

This is an appeal against the Deputy Registrar's orders on property settlement.

The brief facts of the matter are that the parties herein were married in December, 1978 under customary law. On the 21<sup>st</sup> of July, 1984, they converted their marriage to a statutory marriage when they solemnized their marriage in the Catholic Church. After the marriage in church, the Appellant moved into the Respondent's residence and started living with her.

On the 5<sup>th</sup> of September, 2008, the Respondent petitioned for the dissolution of the marriage. On the 25<sup>th</sup> of March, 2011, the High Court granted a decree nisi to the Respondent.

