

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

2017/HPF/D141

BETWEEN:

DANIEL PAUL MAPULANGA

AND

MARTHA NGULUBE MAPULANGA**PETITIONER****RESPONDENT**

**BEFORE HON MRS JUSTICE S. KAUNDA NEWA THIS 13th DAY OF
FEBRUARY, 2018**

For the Petitioner : Ms K.M. Nyimbili, Legal Aid Board

For the Respondent : Ms Catherine Jere, National Legal Aid Clinic for Women

J U D G M E N T

CASES REFERRED TO:

1. *Anne Susan Dewar V Peter Alexander Dewar 1971 ZR 38*

LEGISLATION REFERRED TO:

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

The petition for the dissolution of marriage was filed on 6th June, 2017, pursuant to Section 9 (1) (b) of the Matrimonial Causes Act No 20 of 2007. The petition states that the Petitioner, Daniel Paul Mapulanga was lawfully married to the Respondent, Martha Ngulube Mapulanga on 10th June, 2013 at the Lusaka Civic Centre. That the parties who are both domiciled in Zambia last lived as husband and wife at the Zambia National Service Camp in Chongwe.

It is stated that the Petitioner is a serviceman employed by the Zambia National Service, and resides at the Zambia National Service Camp in Chongwe, while the Respondent is a General Worker working at the Ministry of Chief and Traditional Affairs in Lufwanyama. That there are two children of the family now living, namely Daniel Mapulanga who was born on 9th October, 2008 and is in grade 4 at Pepmum Primary School in Chongwe, and Eunice Mapulanga born on 8th October, and is in grade 1 at Pepmum Primary School in Chongwe.

The petition further states that no other child now living has been born to the Respondent during the subsistence of the marriage, and that there have been no proceedings with respect to the marriage or the property of either of the parties. That there are no proceedings continuing in any court outside Zambia that are capable of affecting its validity or substance, and that no arrangement has been made for the support of the parties.

The Petitioner contends that the marriage has broken down irretrievably as the Respondent has behaved in such a way that he cannot reasonably be expected to live with her. The particulars of the unreasonable behavior are named as;

1. *The Respondent's behavior changing when she was offered a job as a cleaner at the Ministry of Chiefs and Traditional Affairs in Lufwanyama sometime in March, 2013 and the Petitioner receiving reports from a concerned person in Lufwanyama about the Respondent's bad behavior.*
2. *That on one occasion the Petitioner called the Respondent and when she answered, she was in a drunken state from a noisy place, confirming the reports about her behavior. That the Respondent's mother was informed of her behavior and she promised to speak with her and ask her to stop drinking beer.*
3. *The Respondent reducing on her visits back home as she would come for just a day and go back to Lufwanyama, and would only come home after three to six months.*

