

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

2018/HPF/D.0013

BETWEEN :

PRISCILLA MALWA HOFISI

AND

EDGAR HOFISI



PETITIONER

RESPONDENT

**Before Honorable Mrs. Justice M. Mapani-Kawimbe in Chambers on the
23rd day of February, 2018**

For the Petitioner : *In Person*
For the Respondent : *No Appearance*

R U L I N G

Cases Referred To:

1. *Shell and BP (Z) Limited v Conidaris & Others (1985) ZR 174*

Legislation Referred To:

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

By this application, the Petitioner seeks an interim injunction pursuant to section 101(1) (a) (b) (c) of the Matrimonial Causes Act. It is supported by Affidavit.

The Affidavit discloses that the Respondent is violent towards the Applicant and never resolves disputes in an amicable way. That the Respondent is fond of using anything he lays his hands on just to get back at the Petitioner. Further, that the Respondent recently broke a door in the matrimonial home using an axe so that he could kill the Petitioner's nephew who attempted to resolve the couple's dispute. The deponent states that because of the Respondent's violent behavior, the Petitioner has no access to her youngest child who has been removed from the family home.

The Affidavit further discloses that all efforts to prevent the Respondent's undesirable behaviour, including his phone calls and messages have proved futile. That unless the Respondent is restrained by the Court, the Petitioner will continue to suffer distress, mental anguish and other encroachments on her personal liberty. The Petitioner believes that the injunction will not cause any injury or prejudice to the Respondent who has no justification for tormenting her. She prays to Court to confirm the *ex parte* order of interim injunction.

