

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

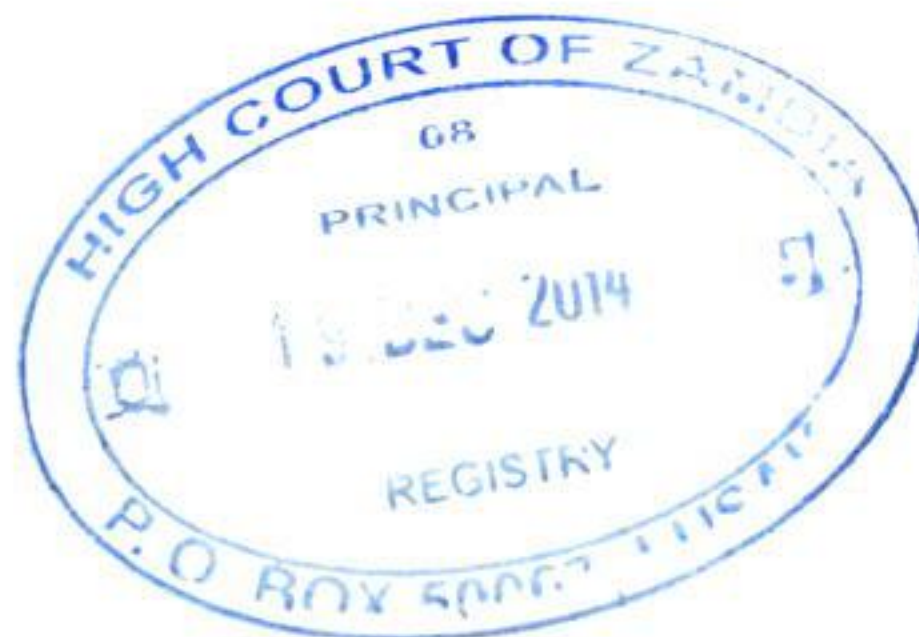
**2010/HP/D.19**

BETWEEN

**ANNIA ZULU NSAMA**

**AND**

**NSAMA NSAMA**



**PETITIONER**

**RESPONDENT**

**Before the Honorable Mr. Justice I.C.T Chali, in Open Court at  
Lusaka the 19<sup>th</sup> day of December 2014.**

**For the Petitioner:** Mr. Andy Wright of Messrs. Wright  
Chambers

**For the Respondent:** No appearance

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

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The petitioner filed in an amended petition for dissolution of marriage on 30<sup>th</sup> September 2014. The petition was brought pursuant to Sections 8 and 9(d) of the Matrimonial Causes Act No. 20 of 2007. The Petitioner alleges that her marriage with the Respondent has broken irretrievably due to the fact that they have lived apart for a period of 2 years immediately preceding the presentation of the petition and the Respondent has consented to the decree being granted.

According to the petition the Petitioner and the Respondent were lawfully married under the Marriage Act Cap 50 on 26<sup>th</sup> October 2001 at Civic Center in Lusaka in the Republic of Zambia. After the celebration of

their marriage they lived as husband and wife at D112 Chelston Police Camp, Lusaka. There are three children of the family namely Cecilia Nsama a female born on 26<sup>th</sup> February 1996, Katele Nsama, a male born on 31<sup>st</sup> December 2001 and Khudata Chitanda Nsama, a male born on 1<sup>st</sup> August 2007.

The Petitioner in the petition has prayed that the marriage be dissolved due to the fact that they have lived apart for 2 years immediately preceding the presentation of the petition.

The Respondent filed in an answer to the petition in which he indicated that the said marriage has broken down irretrievably as they have lived apart for 2 years i.e since 8<sup>th</sup> October 2008. He also prays that the marriage be dissolved on that ground.

At the hearing the Petitioner confirmed the contents of her petition and testified that they have lived apart since 8<sup>th</sup> October 2008 and have not resumed cohabitation since.

Upon reading the petition and upon hearing the Petitioner, I am satisfied that the marriage has broken irretrievably due to the fact that the parties have lived apart for a continuous period of 2 years immediately preceding the presentation of the petition and the Respondent has consented to the decree of divorce being granted. I am also satisfied that there is no likelihood of the parties resuming cohabitation.

I accordingly grant the petitioner a decree nisi of divorce. I direct that the said decree shall be made absolute at the expiration of six weeks from the date of this judgment upon application by either party, unless good

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cause be shown otherwise. I further order joint custody of the children of the family as prayed by both parties.

Each party shall bear his/her own cost of the suit.

**Delivered in Open Court at Lusaka, this 19<sup>th</sup> day of December 2014.**

  
**I. C. T. CHALI**  
**JUDGE**