

IN THE HIGH COURT FOR ZAMBIA  
AT THE PRINCIPAL REGISTRY  
HOLDEN AT LUSAKA

2014/HP/D110

*(Divorce Jurisdiction)*



**BETWEEN:**

**SOPHIE HARRISSON MUSONDA**

**PETITIONER**

AND

**GODFREY CHILUFYA MUSONDA**

**RESPONDENT**

Before the Hon. Mr. Justice C. Kajimanga on the 7<sup>th</sup> day of October 2015

**FOR THE PETITIONER:** *Mrs. N. Chilambwe Zimba, Legal Officer-National Legal Aid Clinic*

**FOR THE RESPONDENT:** *Mr. J. Tembo of Messrs KBF and Partners*

---

## J U D G M E N T

---

*Legislation Referred to:*

**The Matrimonial Causes Act No. 20 of 2007, Sections 8 and 9 (1) d**

The Petitioner, Sophie Harrison Musonda has petitioned this Court for dissolution of the marriage solemnised between herself and the Respondent, Godfrey Chilufya Musonda, on the ground that the marriage has irretrievably broken down as the Parties have lived apart for a continuous period of two years and the Respondent consents to a decree being granted. The said marriage was solemnised on the 3<sup>rd</sup> day of January, 1991 at the office of the Registrar of Marriages under the provisions of the Marriage Act.

The Petitioner testified that there is one child of the family, namely Agatha Mukuka Musonda, female born on 9<sup>th</sup> July, 1993 who is a student at the University of Lusaka and resides at House No. 5521 Lusiwasi Road, Lusaka Zambia. The Petitioner also testified that she has three (3) other

children born before she married the Respondent while he has one other child, also born before the Parties got married. She stated that all the children are above 21 years of age.

She further testified that she currently lives in Chilanga, Lusaka and is a housewife while the Respondent works as a Vice Chairperson of the Public Service Commission in Lusaka. There are no other proceedings in Court between the Parties to the marriage. The Petitioner asked the Court to dissolve the marriage because it has broken down irretrievably and that the Parties last lived together on 2<sup>nd</sup> June, 2012 at House No. 5521 Lusiwasi Road, Kalundu Lusaka Zambia.

She also testified that the marriage has broken down because of irreconcilable differences and that efforts towards reconciliation did not bear any fruit. The Respondent consents to the decree being granted.

The Petition was brought under the provisions of Sections 8 and 9 (1) (d) of the **Matrimonial Causes Act, No. 20 of 2007** ("the Act"). Section 8 of the Act states as follows:

*"A petition for divorce may be presented to the court by either Party to a marriage on the ground that the marriage has broken down irretrievably."*

Section 9 (1) of the Act provides that:

*"(1) For purposes if Section eight, the court hearing a petition for divorce shall not hold the marriage to have broken down irretrievably unless the Petitioner satisfied the court of one or more of the following facts*

*(a) .....*

*(b) .....*

*(c) .....*

*(d) That the Parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation for the petition and the respondent consents to a decree being granted."*

In her testimony the Petitioner states that that the Parties have lived apart since 2<sup>nd</sup> June, 2012 and that the Respondent consents to the grant of a decree nisi of divorce. I have had sight of the consent signed by the Respondent, and filed into Court on the 24<sup>th</sup> day of April, 2015 when these proceedings were commenced.

I am satisfied therefore that the marriage solemnised between Sophie Harrison Musonda and Godfrey Chilufya Musonda on the 3<sup>rd</sup> day of January, 1991 at the Office of the Registrar of Marriages at Kitwe has broken down irretrievably, in that the Parties have lived apart for a continuous period of two years immediately preceding the presentation of the petition for divorce in *this Court and the Respondent consents to a decree being granted.*

I therefore, pronounce a decree nisi of divorce as prayed by the Petitioner. Both the Petitioner and the Respondent shall have joint custody of the child of the family. I refer the issue of maintenance and property settlement of the family to the Deputy Registrar in Chambers.

Costs of the Petition shall be in the cause.

**DELIVERED THIS 7<sup>TH</sup> DAY OF OCTOBER 2015**



---

**HON. C. KAJIMANGA**

**JUDGE**