

**IN THE HIGH COURT FOR ZAMBIA      2013/HP/D192**  
**AT THE PRINCIPAL REGISTRY**  
**HOLDEN AT LUSAKA**  
**(Divorce Jurisdiction)**



**BETWEEN:**

**PRECIOUS MONDE MUTEMWA THORNTON      PETITIONER**

AND

**JAMES VINCENT THORNTON**

**RESPONDENT**

**Before the Hon. Mrs. Justice J.Z. Mulongoti**  
**on the 26<sup>th</sup> day of June 2015**

*For the Petitioner:*                      *Mr. B. Mosha of Mosha & Co. (standing in*  
*for Mr. Soko of Ferd Jere & Co.)*

*For the Respondent:*                      *N/A*

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

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**Legislation referred to:**

1. *The Matrimonial Causes Act No. 20 of 2007, Section 9(1)*

This is a Petition for divorce presented by the Petitioner pursuant to section 9(1)(b) of the Matrimonial Causes Act. The Petitioner and the Respondent were lawfully married on 23<sup>rd</sup> June 2006 in the state of Missouri, Jasper County

in the United States of America (U.S.A). They lived as husband and wife at 76 Briar Brook drive, Carl Junction Missouri 64834 USA. Currently, the Petitioner is domiciled in Zambia while the Respondent is domiciled in the USA. The Petition also disclosed that there are no children of the family and there were no children born to either during the subsistence of the marriage. And that the parties have lived apart for a continuous period of five years immediately preceding the presentation of this Petition as the Petitioner left the matrimonial house in March 2008.

The Respondent did not respond to the Petition. I consider it to be uncontested.

At the hearing of the Petition, the Petitioner testified as stated in the Petition. She disclosed that the parties lived together for two years in USA. After some differences, she returned home to Zambia in 2008 and they have lived separately since. It was her testimony that they had no communication until 2013, when they spoke and agreed to go their separate ways. And that she had no desire to share any property or to be maintained.

After analysing the Petitioner's testimony, it is clear to me that the marriage has broken down irretrievably. The parties have lived apart for more than five years and have agreed to separate.

Accordingly, I grant the ***decree nisi*** for the dissolution of the marriage to be made absolute within six weeks.

Delivered at Lusaka this 26<sup>th</sup> day of June 2015.



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**J.Z. MULONGOTI**  
**HIGH COURT JUDGE**