

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

2016/HP/D018



SARAH MAKRANI ZALOUMIS

PETITIONER

AND

ANDREW WALTER ZALOUMIS

RESPONDENT

BEFORE Honorable Mr. Justice C.F.R. Mchenga SC

For the Petitioner: D. Findlay, D. Findlay & Associates
For the Respondent: In Person

J U D G M E N T

Legislation referred to:

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

The petitioner filed in the petition for the dissolution of her marriage to the respondent on the ground that it has irretrievably broken down. She relied on the fact that the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.

At the hearing, the petitioner reiterated the contents of her petition and testified that; on 19th September 1998, she got married the

respondent at Civic Centre in Lusaka; that they are both domiciled in Zambia; that there are two children of the family now living, Yolanda Camille Nardine Zaloumis born on 31st October 1991 and Sergio Daniel Zaloumis born on 21st September 1995; that there have been no previous proceedings in Zambia or elsewhere with reference to the children of the family or between the parties with reference to any property of either party or both of them; that there are no other proceedings in Zambia or anywhere outside Zambia with reference to the marriage that would affect its validity; that no formal agreement or arrangement has been made between the parties for the support of the respondent or the children of the family. She also testified that in 2010, though staying in the same house, the parties stopped living as husband and wife. In February 2011, the respondent left moved out the matrimonial home.

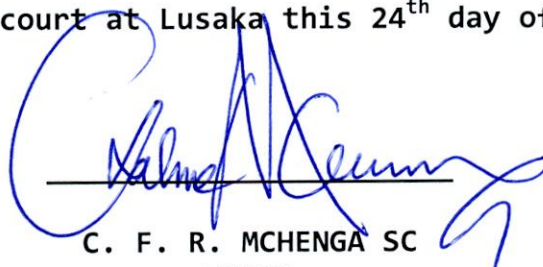
Section 9 (1)(e) of the Matrimonial Causes Act, provides that in a petition for divorce, a marriage shall be found to have broken down irretrievably where the petitioner satisfies the court that the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition. The evidence before me establishes that the parties last lived together as husband and wife in 2010 and the petition was filed

on 22nd January 2016; a period of over 5 years since they last lived together.

I am satisfied that the petitioner has proved that marriage solemnised between SARAH MAKRANI ZALOUMIS and ANDREW WALTER ZALOUMIS has irretrievably broken down. I DECREE that the said marriage be dissolved and a DECREE NISI IS HEREBY GRANTED, to be made absolute within six (6) weeks of the date hereof, unless cause be sooner shown to the court as to why it should not be so made. The orders of maintenance generally should they arise, are referred for hearing before the learned Deputy Registrar.

The parties shall bear their own costs.

Delivered in open court at Lusaka this 24th day of February, 2016


C. F. R. MCHENGA SC
JUDGE