

I.T.

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

**2017/HPF/D226**

**BETWEEN:**

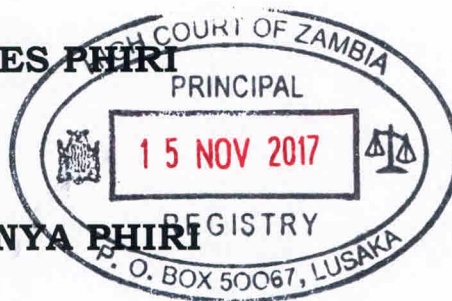
**THOKOZILE JAMES PHIRI**

**PETITIONER**

**AND**

**CHIPEGO MUNYINYA PHIRI**

**RESPONDENT**



**Before the Hon. Mr. Justice M.L. Zulu  
in Chambers on the.....day of August, 2017**

*For the Petitioner: In Person.*

*For the Respondent: Ms. C. Jere, National Legal Aid Clinic for  
Women.*

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

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The Petitioner and Respondent are Zambians who were married under the Marriage Act of the Laws of Zambia on 20<sup>th</sup> March, 2011 at Church of Seventh Day Adventist, Kalingalinga, Lusaka.

After the marriage, the parties lived together as husband and wife at unknown house number in Mtendere, Lusaka.

On 8<sup>th</sup> September, 2017, the Petitioner petitioned for the dissolution of the marriage on the ground that the marriage has broken down irretrievably on account of the fact that the parties have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.

The Petitioner is currently unemployed and resides at No. 2 Kalingalinga, while the Respondent is a teacher and residing at Mtendere, C1, in Lusaka.

There is one child of the family, namely Hope Phiri, born on 16<sup>th</sup> July, 2013.

The Petitioner has prayed for the dissolution of the marriage and seeks joint custody of the child of the family and that each party bear their own costs for the action.

The Respondent consents to the dissolution of the marriage, but seeks custody of the child.

Upon reading the Petition, and upon hearing the Petitioner, I am satisfied that the marriage has broken down irretrievably and have satisfied **Section 9 (1) (e) of the Matrimonial Causes Act, No. 20** of 2007, having lived apart from 2012 to date.

I am also satisfied that there is no likelihood of the parties resulting cohabitation.

In the circumstances, I hereby grant the Petitioner a decree nisi of divorce and 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 cause be shown otherwise.

I grant custody of the child of the family, Hope Phiri to the Respondent with reasonable access to the Peititoner.

I further order that each party shall bear his/her own costs of the suit.

I refer all issues of maintenance and property settlement to the learned Registrar for determination.

Delivered at Lusaka this 15<sup>th</sup> day of November, 2017.



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**M.L. ZULU**  
**HIGH COURT JUDGE**