

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(DIVORCE JURISDICTION)**

2017/HPF/D280

**In the matter of: The Matrimonial Causes Act No. 20 of
2007**

And

In the matter of: A Petition for Dissolution of Marriage



BETWEEN:

CHERYL ELAINE REES LOURENS

PETITIONER

AND

DIRK CORNELIOUS LOURENS

RESPONDENT

**BEFORE THE HONOURABLE MR. JUSTICE M. L. ZULU
ON THE 7TH DAY OF FEBRUARY, 2018.**

For the Petitioner: Mrs. R. Bwalya, Messrs Lusitu Chambers.

***For the Respondent: Mr. P. G. Katupisha, Milner And Paul
Legal Practitioners.***

J U D G M E N T

Legislation referred to:

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

This Petition for dissolution of marriage between the Petitioner **Cheryl Elaine Rees Lourens** and the Respondent, **Dirk Cornelious Lourens** shows that the parties were lawfully married on the 27th day of March, 1991 at the District Executive Secretary's Office at the Boma Offices in Mazabuka, Southern Province of the Republic of Zambia.

The Petitioner and Respondent last lived together as husband and wife at Plot No. 536, Causeway Farm, Chikaika Road in Mazabuka.

According to the Petition, there two children of the family; Garth Lourens aged 26 years and Megan Lourens aged 22 years.

The Petition states that there were no previous proceedings in the High Court in Zambia, or elsewhere which are in respect of the marriage capable of affecting its validity or substance and that no arrangements or agreements have been made or is proposed to be made between the parties for the support of the Petitioner.

At the hearing of this Petition, the Petitioner testified that she is a Nurse, and was residing at 32 Chalimbana, Chongwe.

Counsel for the Petitioner, Mrs. Bwalya told the court that the Respondent was not contesting the dissolution of the marriage as supported by the signed consent filed into Court.

The Petitioner testified that his marriage to the Respondent has broken down irretrievably. She relied on the facts contained in the Petition that the parties have not cohabited since 2007 when the Petitioner left the Matrimonial home and all efforts to reconcile have been futile.

The Petitioner prayed – that the marriage be dissolved.

The sole ground upon which this court can dissolve a marriage is to find that the marriage has broken down irretrievably (*Section 8, Matrimonial Causes Act, 2007*).

Section 9(1) (b) and (c) of the said Act provide-

“For the purposes of Section eight, the court hearing a petition for divorce shall not hold the marriage to have broken down irretrievably unless the Petitioner satisfies the court of one or more of the following facts:

(e) 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.”

On the totality of the evidence before this court, I am satisfied that the marriage solemnized under the Marriage Act at office of the District Executive Secretary's Offices at Mazabuka, on the 27th day of March, 1991, between the Petitioner, ***Cheryl Elaine Rees Lourens*** and the Respondent ***Dirk Cornelious Lourens*** has broken down irretrievably by reason that the Petitioner and Respondent have lived apart for a continuous period of atleast five years immediately preceding the presentation of this Petition.

I accordingly, find that the provisions of the law under ***Section 9(1)(e) of the Matrimonial Causes Act, 2007*** have been satisfied by the Petitioner.

I DECREE that the said marriage be dissolved and a ***DECREE NISI*** is hereby granted which decree is to be made absolute within six (6) weeks of the date hereof unless sufficient cause be shown to the court why it should not be made so.

I hereby refer all issues pertaining to the assessment of Maintenance or Property settlement, if any, to the Learned Registrar of the High Court for determination, upon application by either party.

I order that each party bears their own legal costs.

Delivered this ^{7th}.....day of February, 2018.



M. L. ZULU
JUDGE