

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

2017/HPF/D296

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

And

In the matter of: A Petition for Dissolution of Marriage

BETWEEN:

MARY ZYAMBO LONGWE PETITIONER

AND

DENNIS DAVID LONGWE

RESPONDENT

**BEFORE THE HONOURABLE MR. JUSTICE M. L. ZULU
ON THE 25TH DAY OF JANUARY, 2018.**

For the Petitioner : IN PERSON

For the Respondent : NO APPEARANCE

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 **Mary Zyambo Longwe** and the Respondent, **Dennis David Longwe** shows that the parties were lawfully married on the 27th day of July, 2013 at the office of the Registrar of Marriages at the Civic Centre in the City and Province of Lusaka of the Republic of Zambia.

The Petitioner and Respondent last lived together as husband and wife at a Farm House along Mumbwa Road, in Lusaka for four days before the Respondent left for England where he is residing.

At the hearing of this Petition, the Petitioner testified that she is a Social Worker, but working as a Cashier at the University of Zambia.

She testified that there were no children born to the parties during the subsistence of the marriage to both the Petitioner and Respondent or out of wedlock in so far, she knows.

The Petitioner testified that there were previous proceedings in the High Court in Zambia, relating to Cause No. 2016/HP/ D0097 but had been discontinued. She further stated that there were no proceedings continuing in any court

currently in Zambia or elsewhere which were in respect of the marriage or capable of affecting its validity or substance.

The Petitioner testified that his marriage to the Respondent has broken down irretrievably. She relied on the facts contained in the Petition. She reiterated that she has lived apart from the Respondent since 3rd August, 2013, when he left for London, England where he lives and has no intentions of coming back to Zambia. It was the Petitioner's testimony that the Respondent does not support her and has deserted her.

The Petitioner said she attempted to engage people including family members and marriage Counsellor in order to reconcile but, the Respondent has not been responsive, as a result she feels unloved and unappreciated and has not communicated since he left and has been denied her conjugal rights. It was her further testimony in the Petition the parties resolved that the marriage be dissolved. The Petitioner produced the said resolution signed by both parties which she availed to court as part of her evidence.

The Petitioner prayed – that the marriage be dissolved; that a decree nisi be granted; that there be an order for property settlement; that there be no maintenance; and that costs be in the cause.

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:

- (b) that the respondent had behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent.”*
- (c) that the respondent has deserted the petitioner for a continuous period of at least two 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 Registrar of Marriages at Civic Centre, on the 27th day of July, 2013, between the Petitioner, **MARY ZYAMBO LONGWE** and the Respondent **DENNIS DAVID LONGWE** has broken down irretrievably by reason that the Petitioner cannot reasonably be expected to live with the Respondent.

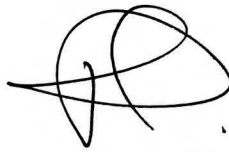
I accordingly, find that the provisions of the law under **Section 9(1)(b) and (c) of the Matrimonial Causes Act, 2007** have been satisfied by the Petitioner.

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.

I order that each party bears their own legal costs.

Delivered this ^{5th}.....day of February, 2018.



**M. L. ZULU
JUDGE**