

IN THE HIGH COURT FOR ZAMBIA

2019/HPF/D196

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Divorce Jurisdiction)

BETWEEN:

AGATHA MVULA

AND

JOSEPH LUCKSON MUNALULA



PETITIONER

RESPONDENT

**BEFORE THE HONOURABLE LADY JUSTICE P. K. YANGAILO, ON
10TH FEBRUARY, 2020, IN OPEN COURT.**

For the Petitioner: Ms. M. Phiri - Messrs. Makebi Zulu
Advocates

For the Respondent: N/A

PRONOUNCEMENT OF DECREE NISI

LEGISLATION REFERRED TO:

1. *The Matrimonial Causes Act, Act No. 20 of 2007; and*
2. *The Matrimonial Causes Rules 1973.*

The Petitioner filed herein a Petition for the dissolution of marriage pursuant to **Sections 8** and **9 (1) (e)** of **The Matrimonial Causes Act¹** 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.

On 9th December 2019, the Deputy Registrar certified that the Petitioner has sufficiently proved the contents of the Petition herein and is entitled to a decree. There are three children of the family who are over the age of 25 years. Pursuant to **Rule 33 (3) (ii)** of **The Matrimonial Causes Rules 1973**², this cause was entered in the Special Procedure List. I set the matter down for pronouncement of a decree on 10th February, 2020.

On the return date, only the Petitioner's Advocate was in attendance. Both the Petitioner and Respondent dispensed with appearing in person before the Court for the pronouncement of the *Decree Nisi*.

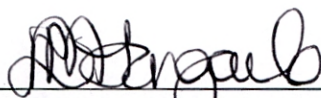
Section 9 (1) (e) of **The Matrimonial Causes Act**¹, provides that in a petition for divorce, a marriage shall be found to have broken down irretrievably where the Petitioner satisfies the Court that the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition. I have perused the record herein and evidence on record establishes that the parties last lived together as husband and wife in July, 1996. The Petition was filed on 14th June, 2019, thus a period of over 5 years has passed since they last lived together.

I am satisfied that the Petitioner has proved that the marriage solemnised between AGATHA MVULA and JOSEPH LUCKSON

MUNALULA 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 parties shall bear their own costs.

Delivered in Open Court this 10th day of February, 2020.



**P. K. YANGAILO
HIGH COURT JUDGE**