

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

2020/HPF/D123



**BETWEEN:**

**LIKANDO M. MUKUMBUTA**

**PETITIONER**

**AND**

**NANCY CHANSA BWALYA MUKUMBUTA**

**RESPONDENT**

*Before the Honorable Lady Justice C. Lombe Phiri in Chambers*

*For the Petitioner:*

*Mr L. Mwanabo - L M Chambers*

*For the Respondent:*

*In Person*

---

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

---

**Legislation referred to:**

- (i) *The Marriage Act Chapter 50 of the Laws of Zambia*
- (ii) *Matrimonial Causes Act No.20 of 2007 of the Laws of Zambia*

This is a matrimonial Petition launched by the Petitioner **LIKANDO M. MUKUMBUTA** against the Respondent **NANCY CHANSA BWALYA MUKUMBUTA** for the dissolution of marriage alleging that the marriage

which was lawfully celebrated on 31<sup>st</sup> October, 1992 at the office of the Registrar of Marriages under the Marriage Act had irretrievably broken down.

The ground is that the Petitioner and the Respondent have continuously lived apart as man and wife for a period of atleast 5 years immediately preceding the presentation of the matrimonial petition.

At the hearing of the petition, I was satisfied that the Respondent had been duly served with process by the fact that the Respondent appeared on the hearing. I therefore signaled the Petitioner to present his matrimonial petition.

**PW1** was **Likando M. Mukumbuta** the Petitioner himself. He gave sworn evidence. It was his testimony that the Petitioner was on 31<sup>st</sup> day of October, 1992 lawfully married to the Respondent under the Marriage Act<sup>1</sup> at the office of the Registrar of marriages at the Lusaka Civic Center as evidenced by the marriage certificate admitted as exhibit P1. He confirmed the contents of his petition in all material respects which stated that after the celebration of marriage, the parties lived as husband and wife at No. 7374 flat No. 4A Mtedza Road, Longacres, Lusaka.

The Petitioner is an Economist whilst the Respondent is a Sociologist.

Both parties are domiciled in Zambia.

There are two (2) children of the family namely:

- (i) Lungowe Mukumbuta (female), born on 6<sup>th</sup> December, 1992; and
- (ii) Chishimba Mukumbuta (female), born on 18<sup>th</sup> May, 1999.

There are no other children born of the parties before or during the subsistence of the marriage.

There are no proceedings subsisting in Zambia or elsewhere in the world that might affect the validity of the marriage and property settlement.

It was his testimony that the marriage has broken down irretrievably on the ground that the parties have continuously lived apart as man and wife for a continuous period of at least 5 years immediately preceding the presentation of the petition.

The Petitioner concluded by praying for the dissolution marriage. The Petitioner was not cross examined. The Petitioner then rested his case.

The Respondent Nancy Chansa Bwalya Mukumbuta gave sworn evidence.

She confirmed the evidence of the Petitioner in all material respects, in respect of the celebration of the marriage and its subsequent irretrievable break down.

She stated that the dissolution of marriage would not cause her any financial hardship. She joined in prayer for dissolution of the marriage.

UPON reading the matrimonial Petition of the Petitioner and UPON hearing the evidence of both the Petitioner and the Respondent and UPON sight and perusal of the Marriage certificate being exhibit P1

I am satisfied that the marriage which was lawfully celebrated on the 31<sup>st</sup> day of October, 1992 under the Marriage Act at Lusaka Civic Center has irretrievably broken down on account of the fact that the parties have continuously lived apart as husband and wife for at least 5 years immediately preceding the presentation of the matrimonial petition pursuant to Section 8 and 9 (1) (e) of the Matrimonial Causes Act<sup>2</sup>.

I accordingly grant a decree nisi pursuant to Section 41 of the Matrimonial Causes Act and I make the following orders:-

- (i) The Decree nisi shall become absolute after 6 weeks unless cause is shown why the same cannot be made absolute.
- (ii) Custody of the children shall be in accordance to the Statement as to Arrangement for the children filed into Court on 20<sup>th</sup> March, 2020.
- (iii) Issues relating to maintenance of the children settlement shall be in accordance with filed proposal.
- (iv) The Petitioner to costs.

**Delivered under my hand and seal this 25<sup>th</sup> day of August, 2020.**

  
.....  
**C. LOMBE PHIRI**  
**JUDGE**