

**IN THE HIGH COURT FOR ZAMBIA**

**2016/HP/D292**

**AT THE PRINCIPAL REGISTRY**

**HOLDEN AT LUSAKA**

(Divorce Jurisdiction)



**B E T W E E N:**

VANTRA HAFIZA MWEEMBA

PETITIONER

**AND**

DAVID MWEENE MWEEMBA

RESPONDENT

**BEFORE HON. MADAM JUSTICE P. K. YANGAILO ON THE  
23<sup>RD</sup> DAY OF FEBRUARY, 2017**

For the Petitioner: Mrs. Vantra Hafiza Mweemba - In person

For the Respondent: N/A

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

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LEGISLATION REFERRED TO:

- 1. Section 8 & 9 (1) (d) of the Matrimonial Causes Act, Act No. 20 of 2007**

The Petitioner **VANTRA HAFIZA MWEEMBA** has Petitioned for the Dissolution of Marriage pursuant to **Section 8 & 9 (1) (d) of the Matrimonial Causes Act** on the ground that the marriage has broken down irretrievably by reason of the fact that the parties have lived apart for a continuous period of at least two years immediately preceding the presentation of this Petition and

that the Respondent has consented to a Decree of Dissolution of Marriage.

At the hearing the Petitioner testified that she was married to the Respondent **DAVID MWEENE MWEEMBA** on 9<sup>th</sup> May 2014, at Harvest Mission Church in the Lusaka District of the Lusaka Province of the Republic of Zambia. She produced her marriage certificate, which was identified as "**ID1**" and admitted into Court marked "**P1**". According to the Petitioner, the parties last cohabited together as husband and wife along Shantumba Road, in Chalala, in the Lusaka District of the Lusaka Province of the Republic of Zambia. That there are no children of the family now living born to the Petitioner and the Respondent. The Petitioner further testified that the said marriage has broken down irretrievably, such that the parties can no longer be expected to live together based on the fact that the parties have lived apart for more than two years immediately preceding the presentation of the Petition for Dissolution of the Marriage and that the Respondent has consented to the dissolution of marriage. The Consent was filed in to Court on 31<sup>st</sup> January, 2017. That the Respondent was unable to be present before the Court at the hearing of the dissolution of marriage as he is unwell, having suffered from a mental disorder. The Petitioner produced a letter from Chainama Hills College Hospital, which was identified as "**ID2**" and admitted in to Court marked "**P2**".

The Petitioner prayed therefore for the dissolution of marriage and that each party bears its own costs.

I have heard the Petitioner's application for Dissolution of Marriage and hereby hold that the marriage has indeed broken down irretrievably due to the fact that the parties have lived part for a continuous period of two years immediately preceding the presentation of this Petition and the Respondent consents to a Decree of Dissolution of Marriage.

It is hereby **ORDERED** that the Marriage Contracted by the Petitioner and the Respondent on the 9<sup>th</sup> May, 2014 **BE** and is **HEREBY DISSOLVED** and a **DECREE NISI** is granted to be made absolute within six weeks from date of the **DECREE NISI**.

It is **FURTHER ORDERED** that the Petitioner and the Respondent will each bear their own costs.

**Delivered on the 23<sup>rd</sup> day of February, 2014**



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