

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

**2017/HP/D241**

BETWEEN:

**ALICE FATUMAH MAUNGA**

AND

**MOONO KALOMBWANA MAUNGA**



Petitioner

Respondent

**Delivered before the Hon. Mrs. Justice G. Milimo-Salasini on the 28<sup>th</sup> day of December, 2017.**

For the Petitioner: Mr. C. Banda S. C, Chifumu Banda & Associates

For the Respondent: Mr. Munasangu, Munasangu & Company

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

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Legislation referred to:

- 1. Matrimonial Causes Act, Number 20 of 2007 of the Laws of Zambia.*

This is a Petition for dissolution of marriage Pursuant to **Section 9 (1) (b) of Matrimonial Causes Act No. 20 of 2007 of the Laws of Zambia** which was filed into Court by the Petitioner, **Alice Fatumah Maunga** on the 28<sup>th</sup> September, 2017.

According to the Petition, the Petitioner was lawfully married to the Respondent, **Moono Kalombwana Maunga** on 3<sup>rd</sup> March, 2002 at the Civic Centre of Lusaka City Council in the City and Province of Lusaka in the Republic of Zambia.

The Petitioner and Respondent last lived together as husband and wife at Flat No. 1, TBZ flats, Kaleya Road, Roma in Lusaka.

The Petitioner is an Accountant employed at Savenda General Limited in Lusaka while the Respondent is a Businessman in Lusaka. Both the Petitioner and Respondent are domiciled in Zambia.

There are two children of the family namely: **SIBHUSISWE MAUNGA**, a girl born on 4<sup>th</sup> January, 2003 and attending grade 9 at St. Marys Secondary School in Lusaka and **THEMBA MAUNGA**, a boy born on 19<sup>th</sup> May, 2007 and attending grade 6 at Pine Preparatory School in Lusaka.

There have been no previous proceedings concerning property of the Petitioner and Respondent before this Court nor are there any proceedings continuing in any Court outside Zambia relating to the marriage or capable of affecting its validity or substance.

The Petitioner states that the two children of the family will remain in the custody of the Petitioner at Flat No. 1, TBZ flats, Kaleya Road, Roma in Lusaka where the Petitioner currently resides in the event of a Decree Nisi.

The Petitioner states that the marriage has broken down irretrievably on account of the Respondent's behavior such that the Petitioner cannot reasonably be expected to live with him.

The Petitioner has also stated particulars of the said unreasonable behavior such as no financial support from the Respondent for a period of five (5) years during the marriage, no meaningful contribution towards rentals, school fees and the children's general welfare and upkeep.

That the Respondent diverted funds meant for a joint business venture resulting in the Petitioner having to single handedly repay the borrowed funds and interest to the lender.

That the Respondent has failed to communicate with the Petitioner appropriately, frequently leaving the Petitioner uninformed about important family matters.

That the Respondent has been financially irresponsible to the extent that the Petitioner once had to surrender her motor vehicle in place of her household goods when the bailiff went to the family home to seize goods to liquidate a loan.

That the Respondent has been unfaithful during the marriage and has sired three children from two women. That the Respondent has deserted the Petitioner and attempts to reconcile by engaging family members to assist in resolving the problems in the marriage has failed.

That the behavior stated above has brought much anguish and emotional and financial distress thus adversely affecting the children who feel that their father has abandoned them.

The Petitioner therefore prays:

- i. that the marriage be dissolved;
- ii. that the children remain in the custody of the Petitioner and the Respondent be granted visitation rights;
- iii. that the Respondent be ordered to provide for maintenance for the children and;
- iv. that the cost of this action be borne by the Respondent.

The Respondent did not attend Court and the Petition was therefore an undefended Petition.

After considering the evidence of the Petitioner, I am satisfied that the marriage has broken down irretrievably. I therefore **GRANT** the Petitioner a **DECREE NISI** to be made absolute after the expiration of six weeks.

I further **GRANT** the prayer that the children of the family remain in the custody of the Petitioner with the Respondent having visitation rights. It is also **ORDERED** that the Respondent provide maintenance of the children and costs of this action be borne by the Respondent.

**Dated this on 28<sup>th</sup> day of December, 2017.**



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Hon. Mrs. Justice G. Milimo-Salasini  
**HIGH COURT JUDGE**