

**IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
FAMILY & CHILDREN'S COURT DIVISION**
(Divorce Jurisdiction)

2022/HPF/D0028

BETWEEN:**MARTHA SICHONE CAMERON****PETITIONER****AND****ANDREW CAMERON****RESPONDENT**

*Before the Honourable Mrs. Justice M.M. Bah-Matandala
this 27th day of July, 2023.*

For the Petitioner: Ms. Amani Bwalya Messrs. Amani Legal Practitioners

For the Respondent: N/A

J U D G M E N T

LEGISLATION REFERRED TO:

1. THE MARRIAGE ACT CHAPTER 50 OF THE LAWS OF ZAMBIA
2. THE MATRIMONIAL CAUSES ACT NO. 20 OF 2007 OF THE LAWS OF ZAMBIA
3. THE MATRIMONIAL CAUSES RULES 1977.

1.0 INTRODUCTION

- 1.1 On 17th January, 2023 **MARTHA SICHONE CAMERON** the Petitioner herein filed a Divorce Petition pursuant to **Section 8 and 9(1) (d) of the Matrimonial Causes Act No. 20 of 2007 of the Laws of Zambia** against the

respondent **ANDREW CAMERON** on the ground that the Petitioner and the Respondent had lived apart for a continuous period of at least two years immediately preceding the presentation of the Petition and that the Respondent consented to the dissolution of the marriage signed on 8th January, 2023.

2.0 THE PETITION

- 2.1 The Petition showed that the parties were lawfully married on 13th day of January, 2007 before the Religious Minister at Northmead Assembly of God Church, in the City and Province of Lusaka in the Republic of Zambia pursuant to the Marriage Act Chapter 50 of the Laws of Zambia.
- 2.2 The Petitioner stated that they last lived together as husband and wife at house No. 29, off Godfrey Chitalu Road, Nyumba Yanga, Lusaka and are both domiciled in Zambia. The the Petitioner and the Respondent are both Missionaries at Every Orphans Hope Ministries in Lusaka, Zambia.
- 2.3 That there are three (3) children born during the subsistence of the marriage namely:

1. *Judah Rae Zewelangi Cameron born on 25th February,2011 and attends School at Harmony Middle School in Purceville, Virginia in the United States of America.*

2. *Josiah Walton Wanjivwa Cameron born on 8th May,2009 and attends School at Harmony Middle School in Purceville, Virginia in the United States of America.*

3. *Tamar Faith Sichone Cameron born on 26th November 1995 and has since completed Tertiary Education and is employed.*

2.4 That there were no children living born to the petitioner outside marriage.

2.5 That there were no proceedings continuing in any Court outside of Zambia in respect of the said marriage or which were capable of affecting its validity or subsistence.

2.6 That there had been no proceedings in any Court in Zambia or elsewhere with reference to the marriage between the Petitioner and Respondent or property of either or both of them.

2.7 The Petitioner implored the Court to dissolve their marriage as the parties herein had lived apart for a continuous period of at least two years since October, 2019. The Petitioner further prayed that;

a) That the marriage be dissolved

b) That Petitioner be granted sole custody of the Children of the marriage with reasonable access to the Respondent

c) That there be no property settlement.

d) That each party bears their own costs incidental hereto.

2.8 The respondent did not file any Answer to the Petition but signed a consent to have the divorce granted. The respondent equally indicated in the acknowledgement of service filed into Court on 17th January, 2023 that he had no intention of defending the matter.

2.9 On application by the Petitioner the matter was entered on the special procedure list on 18th day of July 2023 pursuant to *Rule 33(3) (ii) of the Matrimonial Causes Rules*

1973 upon the learned Deputy Registrar being satisfied that the requirements have been complied with.

2.10 The learned Deputy Registrar upon hearing the parties certified that the Petitioner has sufficiently proved the contents of the Petition herein and is entitled to a decree of divorce.

2.11 Upon considering the Petition herein, and the Respondent having consented to the dissolution of the marriage, this Court is satisfied that the Petitioner has sufficiently proved that parties have lived apart for a continuous period of two years immediately preceding the filing of this Petition.

2.12 In light of the foregoing, it is hereby adjudged that the marriage between the parties herein has broken down irretrievably. The Petitioner is granted a *decree nisi* which shall become *absolute* after the prescribed statutory period of six weeks unless cause is shown why the same cannot be made absolute.

2.13 As regards the Petitioner's prayer for custody of the children of the family, I note that there are three children

born to the Petitioner and the Respondent during the subsistence of the marriage.

2.14 However, since this is an uncontested petition, determined under the special procedure and there being no material before me to enable me ascertain the current arrangements with regard to the children of the parties, as well as the Respondent's response or views regarding the Petitioner's prayer for custody of the said children, in the circumstances, I refer the issue of custody of the children of the family to myself for determination upon a formal application by either party, in default of agreement.

2.15 Further, I refer the following issues to the learned Deputy Registrar for determination on formal application by either party, in default of agreement:

(1) maintenance of the children of the family and/or

either party; and

(2) property settlement (if any).

1.11 Each party shall bear their own costs.

1.12 I order accordingly.

Dated at Lusaka, this 27th day of July, 2023.



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M.M. Bah-Matandala
HIGH COURT JUDGE

