

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

2023/HPF/D547



BETWEEN:

JENALA PHIRI

PETITIONER

AND

ANDREW CHITIMBE NKOWANE

RESPONDENT

*Before the Honourable Mrs. Justice M.M. Bah-Matandala  
Dated this 30<sup>th</sup> September 2025*

*For the Petitioner: Messrs F.B. Nanguzgambo & Associates.*

*For the Respondent: Mesdames Chalwe & Kabalata Legal Practitioners.*

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# J U D G M E N T

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## 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 25<sup>th</sup> August 2025 **Jenala Phiri** 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**

**Chitimbe Nkowane** on the ground that the Petitioner and the Respondent had lived apart for a continuous period of at least two (2) years immediately preceding the presentation of the Petition.

## **2.0 THE PETITION**

- 2.1 The Petition shows that the parties were lawfully married on the 28<sup>th</sup> May 2010 at Christ Redeemer Catholic Church in Makeni, in the City and Province of Lusaka of the Republic of Zambia, ***Pursuant to the Marriage Act Chapter 50 of the Laws of Zambia.***
- 2.2 After the celebration of marriage, the Petitioner and the Respondent lived together as husband and wife in Chilenje, in the City and Province of Lusaka of the Republic of Zambia.
- 2.3 Both the Petitioner and Respondent are domiciled in Zambia. The Petitioner is a Businesswoman whilst the Respondent is an Accountant.
- 2.4 That there are three (3) children of the family now living namely;

- i Temwani Nkowane (male) born on 27<sup>th</sup> August 2010.*
- ii Funwayo Nkowane (male) born on 17<sup>th</sup> December 2013.*
- iii Lovejoy Nkowane (female) born on the 7<sup>th</sup> August 2017.*

2.5 There is one child born to the Petitioner outside wedlock namely Bob Jere (male) born on the 8<sup>th</sup> October 1998.

2.6 There are no previous proceedings in the High Court in Zambia with reference to the marriage or property of either party to these proceedings.

2.7 That there are 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.

2.8 No arrangements have been made or proposed to be made between the Parties for the support of the Respondent.

2.9 That the said marriage has broken down irretrievably by reason of the fact that the parties have lived apart for a continuous period of two years, since October 2021, immediately preceding the filing of this Petition and the Respondent consents to the *decree* being granted.

2.10 The Petitioner further prayed that;

- a) *the said marriage be dissolved*
- b) *the Petitioner be granted Custody of the children of the family.*
- c) *There be an order for property settlement.*
- d) *An order for maintenance for the Petitioner and the children.*
- e) *Costs*
- f) *Any other relief the Court will deem fit.*

2.11 The Respondent has consented to the marriage being dissolved by signing a consent to dissolution of marriage which was filed on 25<sup>th</sup> August 2025.

2.12 On application by the Petitioner the matter was entered on the **Special Procedure** list on 25<sup>th</sup> August 2025 **Pursuant to Rule 33(3) (ii) of the Matrimonial Causes Rules 1973** and upon considering the Petition herein, the Respondent having consented to the dissolution of the marriage, this Court is satisfied that the Petitioner has sufficiently proved that the parties have lived apart for a continuous period of more than two years since October 2021 immediately preceding the filing of this Petition.

2.13 In light of the foregoing, it is hereby adjudged that the marriage between the parties herein has broken down irretrievably ***pursuant to Section 8 and 9(1) (d) of the Matrimonial Causes Act No. 20 of 2007 of the Laws of Zambia.*** The Petitioner is granted a *decree nisi* which shall become *absolute* after the prescribed statutory period of six weeks.

2.14 I award custody of the children to the Petitioner with reasonable access to the Respondent.

2.15 I refer the application for property settlement and maintenance to the Honourable Deputy Registrar for determination on application by either party.

**3.0** Each party to bear their own cost.

**4.0** I order accordingly.

Dated at Lusaka, this 30<sup>th</sup> September 2025.

  
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M.M. Bah-Matandala  
**HIGH COURT JUDGE**

