

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

2024/HPF/D477

BETWEEN:

BRENDA NYATI NDHLOVU



PETITIONER

AND

JATOR NDHLOVU

RESPONDENT

*Before the Honourable Mrs. Justice M.M. Bah-Matandala
Dated this 19th November, 2024.*

*For the Petitioner: Ms. C. Jere – National Legal Aid Clinic for Women.
For the Respondent: N/A*

J U D G M E N T

LEGISLATION REFERRED TO:

1. THE MATRIMONIAL CAUSES ACT NO. 20 OF 2007 OF THE LAWS OF ZAMBIA

1.0 INTRODUCTION

1.1 On the 13th August 2024, **Brenda Nyati Ndhlovu** the Petitioner herein filed a Divorce Petition pursuant to **Section 8 and 9(1) (e) of the Matrimonial Causes Act No. 20 of 2007 of the Laws of Zambia** against the

Respondent **Jator Ndhlovu** on the ground that the Petitioner and the Respondent had lived apart for a continuous period of five (05) years since October 2018 to date immediately preceding the presentation of the Petition.

- 1.2 The Respondent did not appear or enter appearance to the Petition. The Court proceeded in his absence.
- 1.3 Upon considering the evidence adduced by the Petitioner herein the Court is satisfied that the marriage between the Petitioner and the Respondent has broken down irretrievably. This is on the ground that the parties herein have lived apart for a continuous period of more than five (05) years since October 2018 immediately preceding the presentation of this petition.
- 1.4 I am also satisfied that the dissolution of this marriage will not result in any financial or other hardship on the part of the Respondent as it has been established that the Respondent has not been dependent on the Petitioner during the period of their separation.

- 1.5 The Petitioner is granted custody of the children of the family with access to the Respondent.
- 1.6 Further, any application for maintenance and property settlement is referred to the Hon. Registrar on application by either party.
- 1.7 In view of the foregoing the Petitioner is hereby granted a *decree nisi* which shall become absolute after the prescribed statutory period of six (6) weeks.
- 1.8 Each party shall bear their own costs.
- 2.0 I order accordingly.

Dated at Lusaka, this 19th November, 2024.


M.M. Bah-Matandala
HIGH COURT JUDGE

