

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

2024/HPF/D484

BETWEEN:

ALICE SINKALA

AND

ANDREW MUTENDE TANGANYIKA



PETITIONER

RESPONDENT

*Before the Honourable Mrs. Justice M.M. Bah-Matandala
Dated this 21st November, 2024.*

For the Petitioner: National Legal Aid Clinic for Women
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 15th August 2024 **Alice Sinkala** 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 Mutende Tanganyika** on the ground that the Petitioner and the Respondent had lived apart for a continuous period of at least two years since August 2020, immediately preceding the presentation of the Petition.

2.0 THE PETITION

- 2.1 The Petition showed that the parties were lawfully married on 28th December, 2012 at the office of the Registrar of marriages in the City and Province of Lusaka of the Republic of Zambia.
- 2.2 Immediately after the marriage the Petitioner and the Respondent lived together as Husband and Wife along Independence Avenue Road, in the City and Province of Lusaka of the Republic of Zambia.
- 2.3 The Petitioner and the Respondent last lived together as Husband and Wife in Chilenje in the City and Province of Lusaka of the Republic of Zambia.
- 2.4 Both the Petitioner and the Respondent are domiciled in Zambia.

2.5 The Petitioner is a fashion designer and resides at Mimosa in Chilanga whilst the Respondent is an Accountant and currently resides in 10 miles, in the City and Province of Lusaka of the Republic of Zambia.

2.6 That there are Three (03) Children born during the subsistence of the marriage namely;

i Ndanji Tanganyika (male) born on the 9th April 2012 aged 12 years.

ii Zanzi Tanga (male) born on the 18th January 2015 aged 9 years old.

iii Taizya Tanganyika (male) born on the 30th June 2017 aged 7 years old.

2.7 That there are no other children born to the Respondent during the subsistence of the marriage as far as is known to the Petitioner.

2.8 There have been previous proceedings in the High Court for Zambia under cause No. 2022/HPF/D246 with reference to the marriage.

2.9 That there are no proceedings continuing in any Court outside Zambia which are in respect of the marriage or capable of affecting its validity and substance.

2.10 The said marriage has broken down irretrievably by reason of the fact that the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding presentation of this petition, from August 2020 to date.

2.11 The Petitioner therefore prays that:

- i the said marriage be dissolved.*
- ii that the Petitioner be granted custody of the children of the family.*
- iii there be an Order for maintenance of the children of the family.*
- iv there be an order for property settlement.*
- ii that each party bears their own costs.*

2.12 The Respondent did not file any Answer to the Petition but signed a consent on 15th August 2024 to have the divorce granted.

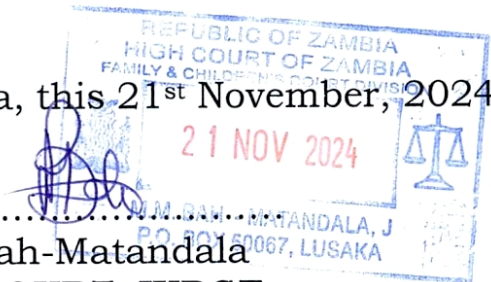
- 2.13 On application by the Petitioner the matter was entered on the Special Procedure list on 21st August 2024, Pursuant to *Rule 33(3) (ii) of the Matrimonial Causes Rules 1973*.
- 2.14 Upon considering the Petition herein, and the Respondent having consented to the dissolution of the marriage, this Court is satisfied that the Petitioner has sufficiently proved that the parties have lived apart for a continuous period of two years immediately preceding the filing of this Petition.
- 2.15 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.
- 2.16 The Petitioner is granted custody of the children with access to the Respondent.
- 2.17 Since this is was uncontested matter and therefore, I did not hear the parties on the relief sought of, property

settlement, I shall refer that to the Hon. Registrar for consideration.

2.18 Each party to bear their own cost.

2.19 I order accordingly.

Dated at Lusaka, this 21st November, 2024.



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M.M. Bah-Matandala
HIGH COURT JUDGE