

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

2023/HPF/D571

BETWEEN:

LINAH INAMBAO

AND

JUMMAH NJELENJE



PETITIONER

RESPONDENT

*Before the Honourable Mrs. Justice M.M. Bah-Matandala
this 22nd April, 2024.*

APPEARANCES:

For the Petitioner: Ms. S. Chituta Messrs – National Legal Aid Clinic for Women

For the Respondent: Ms. S. J. Musonda Messrs – Kalokoni & Co.

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 On 19th October 2023, **Linah Inambao Njelenje** 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 **Jumma Njelenje** on the ground that the Petitioner and the Respondent had lived apart for a continuous period of thirteen (13) years since

September 2010 immediately preceding the presentation of the Petition and that the Respondent has consented to the dissolution of the marriage.

- 1.1 Upon considering the evidence adduced by the Petitioner herein and the Respondent not having contested the divorce, 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 thirteen (13) years immediately preceding the presentation of this petition.
- 1.2 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 shown that she has not been dependant on her husband during the period of their separation.
- 1.3 There being no objection, the Petitioner is granted custody of the child of the family with access to the Respondent.
- 1.4 Further any application for maintenance and property settlement is referred to the Deputy Registrar on application by either party.

- 1.5 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.
- 1.6 Each party shall bear their own costs.
- 1.7 I order accordingly.

Dated at Lusaka, this 22nd April, 2024.

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M.M. Bah-Matandala
HIGH COURT JUDGE

