

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

2024/HPF/D424

BETWEEN:

WILLIES CHRYSTAL THERESA YFF

AND

DANIEL YFF



PETITIONER

RESPONDENT

***Before the Honourable Mrs. Justice M.M. Bah-Matandala
this 31st October, 2024.***

For the Petitioner:

Mr. Tembo M. Messrs GM Legal Practitioners.

For the Respondent:

In Person

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 10th July 2024, **Willies Chrystal Theresa Yff** 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 **Daniel Yff** 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, by signing the Consent to the decree for dissolution of marriage on 10th July 2024, wherein he stated that he also consented to the dissolution of marriage.

2.0 THE PETITION

- 2.1 The Petition showed that the parties were lawfully married on 2nd November 2009 at Lusaka Civic Centre 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 The Petitioner and the Respondent last lived together as husband and wife at New Forest Nurseries, Mumbwa Road in the City and Province of Lusaka of the Republic of Zambia.
- 2.3 The Petitioner is a Zambian National and Respondent is a Dutch National.

2.4 Both the Petitioner and the Respondent are currently domiciled in the Republic of Zambia.

2.5 There are (02) children of the family born during the subsistence of the marriage namely:

i Jason Jacob Yff born on the 21st August 2009 aged 15 years old.

ii Samuel Lucien Yff born on 30th October 2012 aged 12 years old.

2.6 There are no other children born to the Respondent during the subsistence of the marriage as far as it is known to the Petitioner.

2.7 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.

2.8 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.

2.9 No arrangement or agreement has been made between the Petitioner and the Respondent in relation to financial support and for settlement

2.10 The marriage has broken down irretrievably.

2.11 The Petitioner and the Respondent have lived apart for a continuous period of at least two (02) years since 15th June 2020 immediately preceding the presentation of the Petition and the Respondent consents to a decree for dissolution.

2.12 The following is the particular of two years separation;

i the Parties last lived as Husband and Wife on and around 15th June 2020.

2.13 The Petitioner further prayed that;

- a) the marriage be dissolved*
- b) Parties shall have joint custody of the children of the family.*
- c) that there be an Order for custody.*
- d) that each party bears their own costs.*

3.0 Consideration and decision

- 3.1 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.
- 3.2 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.
- 3.3 I hereby grant joint custody of the children to the Petitioner and the Respondent.
- 4.0 Each party shall bear their own costs.
- 5.0 I order accordingly.

Dated at Lusaka, this 31st October 2024.

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M.M. Bah-Matandala
HIGH COURT JUDGE



The stamp is a rectangular blue ink stamp. At the top, it reads 'HIGH COURT OF ZAMBIA' and 'FAMILY & CHILDREN'S COURT DIVISION'. In the center, the date '31 OCT 2024' is stamped in red. To the right of the date is a small icon of a scales of justice. At the bottom, it reads 'M.M. BAH - MATANDALA, J.' and 'P.O. BOX 50067, LUSAKA'. There is a signature in blue ink over the stamp.