

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

2024/HPF/D564

BETWEEN:

PATRICIA CHILUFYA MUPETA

AND

ANDREW NGOSA MUYAMWA



PETITIONER

RESPONDENT

*Before the Honourable Mrs. Justice M.M. Bah-Matandala
Dated this 7th November, 2024.*

For the Petitioner: N/A

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 25th September 2024 **Patricia Chilufya Mupeta** 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 Ngosa Muyamwa** on the ground that the Petitioner and the Respondent had lived apart for a continuous period of at least two years since 8th March 2022, immediately preceding the presentation of the Petition.

2.0 THE PETITION

- 2.1 The Petition showed that the parties were lawfully married on 23rd December 2011 at the Civic Centre, in the City and Province of Lusaka of the Republic of Zambia
- 2.2 The Petitioner and the Respondent last lived together as Husband and Wife at 9 Rocklands Road, Capetown in the Republic of South Africa.
- 2.3 The Petitioner is domiciled in Zambia while the Respondent is domiciled in Maputo in the Republic of Mozambique.
- 2.4 The Petitioner is a Scientist Conservation residing at (Zambian Address) whilst the Respondent is a Mathematics Teacher residing in Maputo, Mozambique.
- 2.5 That there are no children born during the subsistence of the marriage.

- 2.6 That there have been no previous proceedings continuing in any Court outside of Zambia in respect of the said marriage or which were capable of affecting its validity or subsistence.
- 2.7 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.
- 2.8 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 8th March 2022 to date.
- 2.9 The Petitioner therefore prays that:
- i the said marriage be dissolved.*
 - ii that there be an Order for property settlement.*
 - ii that the Respondent bears the cost of this application.*

- 2.10 The Respondent did not file any Answer to the Petition but signed a consent on 3rd September 2024 to have the divorce granted.
- 2.11 On application by the Petitioner the matter was entered on the Special Procedure list on 25th October 2024, Pursuant to *Rule 33(3) (ii) of the Matrimonial Causes Rules 1973*.
- 2.12 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.
- 2.13 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 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 Deputy Registrar for consideration.

2.15 Each party to bear their own cost.

2.15 I order accordingly.

Dated at Lusaka, this 7th November, 2024.

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M.M.Bah-Matandala
HIGH COURT JUDGE

