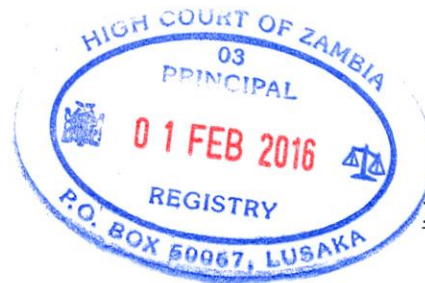


IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Divorce Jurisdiction)

2015/HP/D075

BETWEEN:

MWANDABAI TABAKAMULAMU



PETITIONER

AND

CHIBUYE MARIAN CHIWEWE TABAKAMULAMU

RESPONDENT

Before the Honorable Mr. Justice E. M. Sikazwe in Chambers

For the Petitioner : In person

For the Respondent : In person

J U D G M E N T

Legislation referred:

Section 9 (1) (b) (c) of the Matrimonial Causes Act No. 20, of 2007.

This is a petition for dissolution of marriage filed by **Mwendabai Tabakamulamu**, the Petitioner on 16th March, 2015. The Petitioner seeks to have his marriage to **Chibuye Marian Chiwewe Tabakamulamu**, the Respondent, dissolved.

The petition of Mwendabai Tabakamulamu shows that he got married to the Respondent on 27th July 2002 at the Office of the Registrar of Marriages at the Lusaka Civic Centre, Lusaka as per the Certificate number 462 submitted into

Court. The Petitioner and Respondent last lived together as husband and wife on House Number 31, Mataba Street, Libala Stage 4B, Lusaka. Both the Petitioner and the Respondent are currently domiciled within Zambia.

There is one (1) child of the family by the name of **Jonathan Tabakamulamu** now living. There have not been in the High Court any previous proceedings with reference to the said marriage filed either by the Petitioner or the Respondent. No arrangement has been made between the parties for the support of the child of the family or otherwise relating to arising out of or connected with the proceedings.

It is the Petitioner's position that the marriage has broken down irretrievably as the Respondent has an excessive intake of alcohol to an extent of even drinking strong spirits, also known as 'Tujilijili' and further that their son's mentality has adversely been affected as a result of her continued beer drinking habit. The Petitioner, therefore, prays that the marriage be dissolved; that the Petitioner be granted custody of the child with reasonable access to the Respondent; that there be no property settlement; and costs be in the cause.

Upon hearing both the litigants in this matter and the Respondent consenting to the divorce and also that the litigants have been leaving apart for more than 2 years, I find that the marriage has broken down irretrievably and they cannot be expected to live together as per *Section 9 (1) (b) (c) of the Matrimonial Causes Act No. 20, of 2007.*


I therefore **dissolve the marriage with immediate effect.**

Custody of the child will be decided by the two of them since the child now is Twelve years and in Grade 8.

If there is any property to share this will be done at the Deputy Registrar Chambers together with any maintenance which will have to be put forward between the two of them.

Since both parties appeared in person I make no order as to costs.

DELIVERED THIS 1ST DAY OF FEBRUARY, 2016.


.....
E.M. SIKAZWE
JUDGE