



IN THE HIGH COURT OF MALAWI
AT BLANTYRE
CIVIL CAUSE NO. 337 OF 1973

LEDSON WILLIAMS SANDALAMUPETITIONER

And

GRACE EDWARD SANDALAMURESPONDENT

and

MANSON MIKE MAKAWACO-RESPONDENT

Coram: Chatsika, Acting Chief Justice
For the Petitioner. Kunitsonyo, Advocate
Respondent not present, unrepresented
Co-Respondent present
Official Interpreter: Njelenje
Court Reporter: Warr

JUDGMENT

The petitioner, Ledson Williams Sandalamu, prays for dissolution of his marriage with the respondent, Grace Edward Sandalamu on the grounds of the latter's adultery with the co-respondent, Manson Mike Makawa. He further prays that the respondent and the co-respondent be condemned in the costs of this petition and further prays for any other relief the Court may find fit to order in the petitioner's favour.

I find from the evidence that the petitioner and the respondents are domiciled in Malawi. I am satisfied from the petitioner's evidence that the parties were married on the 13th July, 1968 at the offices of the Registrar General in Blantyre and that immediately after the marriage they lived co-habited at diverse places in Blantyre and eventually at house at Zingwangwa also in the city of Blantyre.

I find from the evidence of the petitioner and that his witness that the respondent is guilty of adultery with the co-respondent and that the adultery resulted in the responder giving birth to a child in about October, 1969. It is abundantly clear from the evidence that the petitioner is not the father of that child.

The court is further satisfied that there has not been any collusion to the presentation of this petition and further that the petitioner has not condoned nor has he connived at the respondent's adultery. There appears, in my view, no bar whatsoever to the granting of a divorce in this case.

Accordingly, I pronounce a *decree nisi* that the marriage between the petitioner and the respondent be dissolved *on the grounds of the respondent's adultery*.

I adjourn into Chambers the petitioner's prayer in, respect of costs on the petition and any other relief. Pronounced in Open Court this 7th day of December, 1973, at Blantyre.

L. A CHATSIKA
ACTING CHIEF JUSTICE