

IN THE NATIONAL TRADITIONAL COURT OF APPEAL SITTING AT MZUZU
CASE NO 93 OF 1972

BETWEEN

TIFWELEMO MTEGHAAPPELLANT

-VS-

TAYIPINI LONGWE.....RESPONDENT

CORAM: THE HON. JUDGE CHIEF MWASE (CHAIRMAN)

JUDGMENT

The appellant in this case Tifwelemo Mtegha appealed against judgement and an order of refusal to grant her a divorce by the Urban Court at Mzuzu.

The husband died in 1967 and she was purported to be succeeded by the elder brother of the deceased who is the respondent. The appellant refused get married to him.

Under customary law, if a woman loses her husband though death, she has two choices to do. She can choose a man her late husband family, she could be free and marry another person all together.

With the evidence which we have, the appellant refused to marry the respondent soon after her husband died. She never entered into marriage with him. We therefore find no ground why the chairman refused to grant a divorce. The appeal against both Judgment and order is allowed. Tifwelemo Mtegha is free to marry any other person. Order accordingly.

DATED THIS 23RD DAY OF JANUARY, 1974 AT MZUZU

