

IN THE MALAWI SUPREME COURT OF APPEAL SITTING AT BLANTYRE
MSCA CIVIL APPEAL NO. 32 OF 2016

[Being High Court, Lilongwe Registry, Civil Cause Number 212 of 2015]



BETWEEN

EVENESS NKHALAMBA

APPLICANT/APPELLANT

AND

ALEX NKHALAMBA

RESPONDENT

CORAM: THE HON. MR JUSTICE L. P. CHIKOPA SC JA
R Mpombeza[Mr.] of Counsel for the Applicant/Appellant
Chipembere[Mr.] of Counsel for the Respondent
Mrs S Chimtande Court Clerk/Recording Officer

RULING/ORDER

Chikopa, JA

INTRODUCTION

At the heart of this matter are distribution of matrimonial property and the custody of children consequent upon a divorce.

The parties appeared before the First Grade Magistrate Court at Lilongwe pursuant to divorce proceedings. That court dissolved their marriage. It also made orders *inter alia* granting custody of the two children of the marriage and, in the view of the applicant, a larger than appropriate share of the 'matrimonial property' especially the real property to the respondent.

The applicant was dissatisfied with the said decision. She appealed to the High Court, Lilongwe Registry. She also obtained an order from that court staying the



