



IN THE HIGH COURT OF MALAWI

LILONGWE DISTRICT REGISTRY

MATRIMONIAL CAUSE NO 10 OF 2015

BETWEEN:

CHARITY STEVES-----PETITIONER

AND

CHRISTOPHER STEVENS-----RESPONDENT

AND

TENDAI TUNTHUWA-----1<sup>ST</sup> CO-RESPONDENT

ANNETTE MZUNGU-----2<sup>ND</sup> CO-RESPONDENT

CORAM: HON JUSTICE M.C.C. MKANDAWIRE

Ottober, for the Petitioner

Respondent, absent and unrepresented

Mrs Mbewe, Court Reporter

Itai, Court Interpreter

### JUDGMENT

The petitioner Charity Stevens prays for dissolution of her marriage to the respondent Christopher Stevens on the ground that the respondent has since 2000 committed adultery with several women. The petition is

undefended but I am satisfied as a court that the respondent together with the two co-respondents had sufficient notice of it and of the allegations contained in the petition. The respondent even entered a memorandum in which he indicated that he would not be defending the matter.

The first issue that arises in matters of this nature is whether the court has got jurisdiction. Under section 2 of the Divorce Act, the court has got jurisdiction to hear the petition only if the petitioner is domiciled in Malawi at the time the petition is presented. The facts here show that the petitioner was born in Malawi and met the respondent in Malawi. In 1983 the two went to live in Greece for 3 years and returned to Malawi in 1987 and since then, they have been living in Dedza operating a pottery business. The petitioner I am satisfied is domiciled in Malawi. I therefore hold that this court has got jurisdiction to hear the petition.

The petitioner was the only witness. She told the court that on the 21<sup>st</sup> of March 1981, she and the respondent went through a ceremony of marriage at the office of the District Commissioner in Mangochi, Malawi. The marriage certificate is tendered as PEX NO 2. The two have four children two girls and two boys. After their marriage, apart from a brief stay of 3 years in Greece, the two have spent their marriage life in Malindi Mangochi and Dedza running their family business called Dedza pottery.

In 2011, the respondent moved out of the matrimonial home situated at Dedza pottery and lodge in Dedza. The petitioner informed the court that until 2000, the two lived a very happy life. In 2000 the petitioner started committing adultery with the petitioner's niece Lucy



Chimombo. That relationship ended in 2007 when Lucy moved to the United Kingdom. Apart from Lucy Chimombo, the petitioner gave a list of girls/women with whom the respondent had committed adultery. These are as follows:

1. From 2000 to 2007 with Lucy Chimombo.
2. From 2003 to 2007 with Maria Gondwe.
3. From 2008 to 2010 with Joana Makhuwira.
4. From 2010 to 2012 with Judy Banda.
5. From 2010 to 2012 with Thandiwe Phiri.
6. From 2011 to 2014 with the 1<sup>st</sup> Co-respondent Tendai tunthuwa.
7. From 2014 to date with the 2<sup>nd</sup> Co-respondent Annette Mzungu.

The petitioner tendered several documents which confirmed that the respondent was in love adventures with the aforementioned girls/women and that adulterous adventures were the order of the day. These documents include photographs showing the respondent in very compromising situations with the women. These documents are PEx 1(b)-(J). The petitioner went on to say that the respondent's adulterous relationship with the 1<sup>st</sup> Co-respondent was even known to their children after the respondent had informed the children that the 1<sup>st</sup> Co-respondent had given birth to his child who he named Alicia. The respondent also informed the petitioner with impunity about the birth of that child. When the children saw that the child Alicia was black and not coloured, they challenged the respondent about the paternity of the child. At the instance of his children, Alicia was taken for DNA test and the results showed that the respondent was not the biological father of Alicia. With all these in mind, the petitioner said that she has been greatly humiliated. It was her evidence that the respondent would

with defiance sleep with these girls/women in their own bedroom at Nkhotakota pottery and this has heavily traumatized her.

Let me put it on record that this case is a very classical one. It would appear that the respondent had gone on rampage and behaved like a serial lover. He had thrown marriage life to the wind. There is overwhelming evidence which went unchallenged that the respondent had committed adultery with the co-respondents. There is thus no reason to beat about in the bush here but to come to one and only one conclusion that the allegation of adultery has been proved by the petitioner against the respondent. There appearing to be no bar to my granting the petitioner the relief she seeks I pronounce a Decree nisi of divorce. I also award costs to the petitioner.

**DELIVERED THIS 16<sup>TH</sup> DAY OF NOVEMBER 2015 AT LILONGWE**

**M.C.C. MKANDAWIRE**

**JUDGE**