



IN THE HIGH COURT OF MALAWI  
 PRINCIPAL REGISTRY  
 FAMILY AND PROBATE DIVISION  
 MATRIMONIAL CASE NUMBER: 31/23

BETWEEN  
 UPENDO LAWRENCE ..... PETITIONER  
 AND  
 CHARLES LAWRENCE ..... RESPONDANT

CORAM: **HONOURABLE JUSTICE JEAN ROSEMARY KAYIRA**  
 Counsel Chizimba for the petitioner  
 Counsel Dzikawanda counsel for the Respondant  
 Ms. C. Kazembe Court Clerk and Official Interpreter

.....  
**ORDER**

**Kayira J**  
 .....

Having heard the parties, this court is satisfied that there is a valid marriage between the parties. The law requires that such a union only be dissolved if the same has irretrievably broken down.

Having listened to the parties there is no evidence of undue familiarity couple with opportunities to have sexual intercourse what is however there is the lack of consortium the fact that the respondent had children with other two women is not prima facie evidence of adultery, the existence of the children mean that he was supposed to provide for them but also bound with them

Section 23 of the constitution allows the children to know their parents and to be raised by the said parents, This mean reasonable accommodation on the part of the petitioner who knew the

existence of the two children prior to the marriage. Her failure to do so meaning that she has failed to live peacefully with the respondent in other words the two cannot be expected to live in consortium.

This compels this court to divorce the two because the marriage has irretrievably broken down.

Primary custody of the child to be with the petitioner the respondent has accessibility rights at least once every month, that is on the first Saturday of each month for at least eight hours until the child is five years which time he can take for a weekend until she is 10 years of age.

**PRONOUNCED IN OPEN COURT ON 22/07/2024 AT 10:30AM.**

**HONORABLE JEAN ROSEMARY KAYIRA  
JUDGE**

