

BATTLE FOR WEALTH

Guracha widow's previous marriage still valid, court told

Two women fight for former MP's estate valued at about Sh50 million

By PAMELA CHEPKEMEI

Revelations of previous marriages are threatening a woman's claim to part of the estate of former Moyale MP Guracha Galgalo.

The High Court has been told that Rehema Dida Jaldesa's previous marriage, through civil law to Mr Abdinoor Dima Jillo, has not been nullified under the Marriage Act.

Ms Jaldesa is one of the two women staking a claim on Dr Guracha's Sh50 million estate, the other being Ms Bernadette Okotu Shama, the MP's first wife.

During the hearing of the dispute at the High Court's Family Division, a Kadhi said Dr Galgalo's marriage to Ms Jaldesa could be null if it is proven that she had not divorced her previous husband formally.

Capacity to marry

The Kadhi, Mr Almhdar Hussein, who was the first witness, said if the union between Abdinoor Dima Jilo and Jaldesa is still subsisting, then Ms Jaldesa is still Mr Jilo's wife.

She therefore had no capacity to marry Dr Galgalo, the Kadhi told Mr Justice David Onyancha, who is hearing the case.

During cross-examination by Ms Shama's lawyer, Mr Alfred Nyandieka, the Kadhi admitted that when Jaldesa and Dr Galgalo appeared before her to register the marriage, Ms Jaldesa did not disclose to him that she was a divorcee as she alleges in papers filed in court.

Ms Jaldesa got married to Dr Galgalo in April 2003 at Isiolo and registered the marriage before a Kadhi in Nairobi on August 12 2004.

The Kadhi, Mr Almhdar Hussein who was the first witness to testify in favour of Ms Jaldesa's case, told the High Court that Dr Galgalo and Ms Jaldesa went to him in 2004 to have a late registration of the marriage.

Former Moyale MP Dr Guracha Galgalo married his first wife, Ms Shama in 1993 at a Catholic Church in Marsabit.

Ten years later, he converted to Islam and contracted another marriage through the Sharia Law between him and Ms Jaldesa.

When Dr Galgalo appeared before the Kadhi to register the marriage, all he was required to do was provide his national identity card.

Trusted their word

Ms Jaldesa on her part produced an affidavit stating that there was no obstacle barring her from marrying the MP because she was not related to him by blood.

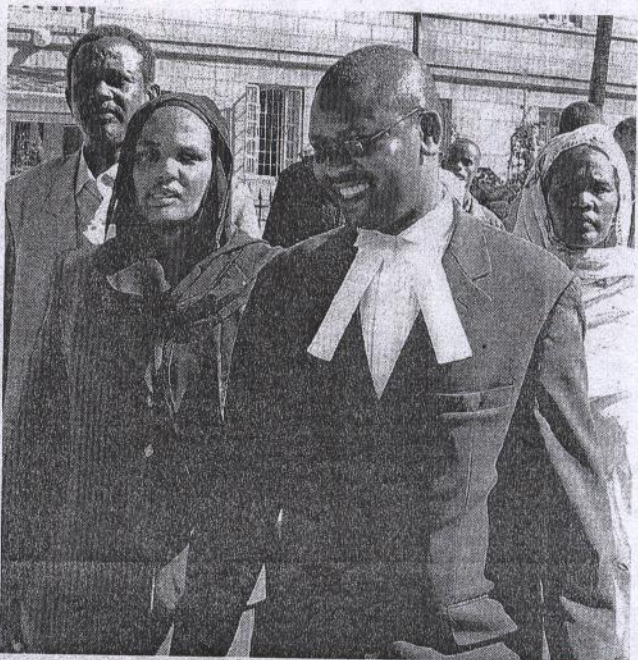
The Kadhi said he just trusted their word that they were Muslims then went ahead to register the marriage.

As fate would have it, Dr Galgalo died in a plane crash last April before making a will. He was one of the five MPs who perished in the tragedy.

Jaldesa claims in papers she has filed in court that she was married to Mr Jilo under Sharia law but he divorced her under Islamic law.

But the Kadhi said Ms Jaldesa did not show him any evidence of

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Ms Bernadette Okotu Shama, widow of former Moyale MP Guracha Galgalo, leaves a Nairobi court with her lawyer Alfred Nyandieka. Ms Shama is battling for control of the MP's estate with co-wife Rehema Dida Jaldesa.
Photo/PAUL WAWERU

the divorce. The two got married on September 15 through Islamic law at Kadhi's court in Athi River and the following day, they registered another civil marriage at Sheria House Nairobi, the court heard.

The Kadhi said Ms Jaldesa and Mr Jilo should not have registered their marriage twice. He added that the first marriage to be registered takes precedence according to the Islamic law.

Before Ms Jaldesa married Mr Jilo, the court heard that she had married

another man, a Mr Issak, but walked out of that marriage because she had been forced into it by her father. She eloped with Mr Jillo then they married later.

Mr Hussein said two children by Ms Jaldesa and Mr Jilo were not entitled to inherit Dr Galgalo's estate.

Ms Jaldesa, he added, is automatically entitled to inherit from Dr Galgalo's estate because she is a Muslim.

The case will be allocated further hearing dates at the Registry.