

PARLIAMENT

PHOTO: DAVID GICHURU



Lawyer Bernard Eboso and proprietor of Homepark Caterers Caleb Kibera (r) leave the High Court in Nairobi yesterday after the hearing of a case in which a former employee has sued the hotel for wrongful dismissal because of her HIV positive status.

# Moyale MP testifies in succession case

RICHARD MUNGUTI

OVER fifty elders from the Borana community of Moyale district requested two widows battling over the multi-million estate of former Moyale Member of Parliament, the late Dr Guracha Galgalo, to withdraw the ongoing court case and settle it amicably, a judge heard yesterday.

Moyale Member of Parliament Warrio Malla Galgalo told Justice David Onyancha that the elders met during a ceremony to commemorate the first anniversary of the death of Dr Galgalo and urged the two widows, Bernadetta Okotu Shama and Rehema Jaldesa, to withdraw the acrimonious succession case.

Galgalo told Justice Onyancha that Rehema agreed to withdraw the case but her co-wife Bernadetta refused, saying she would let the elders know her stand over the request after two weeks.

The MP told the judge the two weeks were to elapse after the hearing of the case in which Rehema is objecting to Bernadetta being declared the sole administrator of the

vast estate of the late Guracha who died in a plane crash alongside four other MPs in Marsabit on April 10, last year.

Led in his evidence by lawyer Cecil Miller, Mr Wario said it was the feeling of the elders that the case be resolved amicably at home to avoid embarrassing scenarios.

Said he: "We have been attempting to reconcile my two sisters-in-law. The last attempt was April 10, 2007 when we commemorated the death of my brother (Guracha). Clan elders called a meeting at Galgalo Kalicha's residence in Sololo which Bernadetta and Rehema attended. The elders raised concern over this pending suit and prevailed upon them to withdraw the case. Rehema accepted but Bernadetta refused, saying she will go back to them after two weeks. We resolved to leave the matter to the Court."

Rehema filed the suit seeking to have the letters of grant issued to Bernadetta declaring her the administrator of the late MP's estate revoked.

She says she is a genuine widow

of the late MP and does not agree with Bernadetta referring to her as a "mistress", noting she was legally married to the deceased MP.

Bernadetta has refuted Rehema's objection, saying she was married by the deceased in 1993 in a Christian ceremony at Sololo Catholic Church and Rehema cannot claim any marital relationship with the late MP.

Justice Onyancha advised the parties to consider settling the matter out of court.

Meanwhile, High Court judge Justice Hatari Waweru yesterday ordered the Buruburu Police Division Traffic Officer to appear before him on May 7 to explain why he defied a court order requiring him to release a matatu impounded for non-compliance with the traffic rules popularly known as the "Michuki rules."

The judge directed the traffic police boss to appear in person and not through counsel to explain why he defied the order issued on March 27, 2007 by Justice Mathew Emukule.

# Karua loses libel suit against media house

JOHN OSORO

CABINET Minister Martha Karua was yesterday ordered by a Nairobi court to pay costs of a defamation suit she filed against the Standard Group after the court ruled that the newspaper had not defamed the minister.

The minister who sued the media house for defamation arising from an article published on January 4, 2007, in the opinion of the court failed to prove the injuries she suffered as result of the publication.

Justice J. Khamoni dismissed the application on grounds that no evidence was tendered on which the court should have relied upon to issue an injunction sought against the defendants.

The judge observed that the claims upon which the suit is premised trigger extraneous matters as the complainant (Karua) did not adduce evidence to prove the imminent danger of republication of the article.

Karua had in her suit sought damages and an apology from the publisher to run as a text which would have been approved by her on a prominent page.

She also asked the court

to issue a permanent injunction to restrain the media house from continuing to publish articles that are libelous to her, in addition to other general damages.

The article which Ms Karua claimed to be offending to her was published by the Standard newspaper under the headline "Bedroom Spells Danger for Kibaki State House" carried on page 6 of the publication and authored by the papers' Editorial Director Kwendo Oponga whom the minister had enjoined in her suit.

At the time of the article was published, Ms Karua was the Minister for Water Resources, Management and Development.

The focus of the article was about a claim that an enraged First Lady Lucy Kibaki ordered Cabinet ministers Martha Karua and Charity Ngilu out of State House, Mombasa, because she was incensed by Vice-President Moody Awori reference to her as Second Lady?

The Justice and Constitutional Affairs minister argued she was aggrieved by the article and denied being in Mombasa on the day the President's wife is said to have chased her and Ms Ngilu out of State House.

She subsequently filed a suit against the media house seeking damages.

She claimed that as result of the said article, she suffered loss and damage and has been greatly embarrassed and that her credit, reputation and standing in society have been injured and brought to disrepute.

The minister was the only who gave evidence before the trial judge, saying she was shocked upon reading the article in question and felt that the defendants were deliberately generating a rumour.

She told the court she was upset by the article which prompted a barrage of telephone calls from friends and family members who sought to know why she had been thrown out of State House.

But the respondents told the court that theirs was a fair comment on a matter of public interest.

The defence told the court that as a Cabinet Minister and Member of Parliament, Karua's actions are a matter of public interest, public concern and scrutiny. The court heard that Kenyans as taxpayers have a right to know the whereabouts and activities engaged of minister.

## TEA RESEARCH FOUNDATION OF KENYA

### TENDER NOTICE

Tenders are invited for the supply and delivery of goods and provision of services "as and when required basis" for the year 2007/2008

TENDER NO	ITEM DESCRIPTION
TRFK/1/2007/2008	Supply and delivery of chemicals/Reagents
TRFK/2/2007/2008	Supply and delivery of assorted laboratory glassware
TRFK/3/2007/2008	Supply and delivery of general office stationery, toners and others computer consumables
TRFK/4/2007/2008	Supply and delivery of petroleum products (fuels, oils and lubricants etc)
TRFK/5/2007/2008	Supply of staff uniform, footwear and protective clothing
TRFK/6/2007/2008	Supply and delivery of staff uniform, footwear and protective clothing
TRFK/7/2007/2008	Provision of insurance services (Brokerage or direct)
TRFK/8/2007/2008	Provision of printing/publication services
TRFK/9/2007/2008	Supply and delivery of spare parts for motorvehicles, motorcycles, tractors, plant and equipment, tyres, tubes and batteries
TRFK/10/2007/2008	Supply and delivery of farm inputs and tools (fertilizer, herbicides, hoes, slashers, pangas etc)
TRFK/11/2007/2008	Servicing and maintenance of computers, UPS, printers and photocopiers
TRFK/12/2007/2008	Servicing and maintenance of PABX and Telephones
TRFK/13/2007/2008	Provision of courier services (local and international)
TRFK/14/2007/2008	Repairs and maintenance services of Motor Vehicles
TRFK/15/2007/2008	Repairs ad service of machines/equipment
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TRFK/17/2007/2008	Supply ad deliver of Tea nursery materials (polythene sheets, tubes, sleeves etc)

Tender documents containing detailed specifications and other conditions can be obtained from 27th April 2007 from Cash office on payment of a non-refundable fee of Khs 2,000.00 per set. Prices quoted should be net and include Government taxes and must remain valid for 90 days from the closing date.

Completed tender documents in plain sealed envelope clearly marked with the tender number and bearing no indication of the sender should be addressed to:

THE DIRECTOR  
TEA RESEARCH FOUNDATION OF KENYA  
P. O BOX 820 - 20200, KERICHO

Or deposited in the tender box at the Foundation's offices, Kericho by 10.30am East African Standard time, on Tuesday 22nd May 2007. The tenders will be opened on the same date at 11.00am. The tenderers or representatives wishing to witness the opening may attend.

The foundation reserves the right to accept or reject any tender in whole or part and does not bind itself to accept the lowest or highest nor any tender to give any reasons for its action.

DR. W.K. RONNO,  
DIRECTOR