

# Court to decide on ex-PM's daughter

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**KUALA LUMPUR:** A Syariah High Court here want to ascertain whether Dr Rozita Halina Hussein, a daughter of the country's third prime minister, is competent to give evidence in her divorce proceedings as she is said to be diagnosed with breast cancer.

Judge Mukhyuddin Ibrahim said he would give his decision on Oct 2 after both parties made their submissions on whether Dr Rozita, 43, the daughter of the late Tun Hussein Onn, is mentally and physically fit to appear in court.

The judge said Dr Rozita could reply to the affidavit filed by her husband, Datuk Dr Shafiq Sit Abdullah @ Sit Yin Chun, 43, asking the court to use its reversionary powers for this case on grounds that it

involved Islamic law, public interest, justice and dignity of both parties.

Earlier, Dr Shafiq's Syariah lawyer Dr Mohd Raffie Mohd Shafie proposed that both parties provide written submissions over the matter to enable the court to make a ruling.

However, Syariah lawyer Sulaiman Abdullah, who represented Dr Rozita, contended that the application was useless and meant to delay the trial as the divorce case had been filed at the lower Syariah court in 2003. The trial is still pending.

(Dr Rozita had tendered her medical report from consultant surgeon Dr Patricia A. Gomez, who heads the Breast and Endocrine Surgical Unit of the Kuala Lumpur Hospital during her Syariah lower court proceedings. The report, dated Feb 12, 2004, stated that Dr Rozita had carcinoma.)

In the application for revision, Dr Shafiq, a businessman, wanted the court to determine whether Dr Rozita was competent to give her testimony, as her medical report had stated she was not capable due to the side effects of chemotherapy.

In an affidavit-in-support of the application filed on Sept 7 this year, Dr Shafiq and the respondent married on Sept 22, 1988 but did not have children.

He said they have two adopted children, Sarah Suhaila Shafiq Abdullah, seven, and Zaki Hussein Shafiq Abdullah, three.

Dr Shafiq said he was seeking an independent evaluation of her mental and physical condition by an expert.

In a statement of claim, dated July 28, 2003, Dr Rozita alleged that Dr Shafiq had neglected to give her *nafkah* (maintenance). She claimed she had to take

care of her needs.

Dr Rozita claimed that in their 15 years of marriage, she had to stay at her mother's house and was burdened with responsibilities to support the children.

She claimed that the defendant was capable to fulfil his responsibilities as he owned and/or has interests in 25 companies and enjoyed a monthly income of RM70,000.

She further claimed that the defendant had also failed to fulfil *nafkah batin* (marital obligations) towards her.

Dr Rozita applied to the court for dissolution of their marriage (*fasakh*) via an order on grounds, among others, the defendant had neglected and did not provide *nafkah* (maintenance) for her for more than three months.

She is seeking for costs and other relief deemed fit by the court for her.