



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISCELLEANOUS CIVIL APPLICATION NO. 5 OF 2020

CONDOLIDATED WITH

MISCELLEANOUS CIVIL APPLICATIONS 6, 7, 9 – 24 AND 26 ALL OF 2020

AND

IN THE MATTER OF THE ADVOCATES ACT

AND

IN THE MATTER OF AN ADVOCATE/CLIENT BILL OF COSTS

BETWEEN

PATRICK L. OTIENO – OYOO T/A OYOO AND COMPANY ADVOCATES.....APPLICANT/DECREE-HOLDER

VERSUS

AFRICA MERCHANT ASSURANCE CO. LTD.....RESPONDENT/JUDGMENT-DEEBTOR

AND

DIAMOND TRUST BANK KENYA LIMITED.....GARNISHEE

RULING

1. On 12.4.2021 this Court received and considered an ex parte application by the Decree-Holder/Applicant herein, brought Under Certificate of Urgency, seeking to attach monies held by the Garnishee Diamond Trust Bank Limited on behalf of the Judgment-Debtor, Africa Merchant Assurance Company Limited in Current Account Number 365537001 and fixed Deposit Account No. FDLC 202730002 and FDLC 201750001 at the Garnishee's – Capital Centre Branch, Nairobi and Funzi Road Branch, Nairobi, be attached in satisfaction of the decree of this court.
2. The Court granted Order Nisi attaching KShs.2,900,000/= to satisfy decree and costs of these Garnishee proceedings.
3. The Respondent/Judgment –Debtor and Garnishee were served with Order Nisi and application for interpartes hearing today but they have not responded and neither does the Garnishee dispute the fact that it holds the amount attached, despite service of the Order Nisi.
4. Accordingly, I confirm the Orders Nisi made on 12.4.2021 and Order that the Order Nisi made on 12.4.2021 is hereby made Order Absolute for the Garnishee Diamond Trust Bank Limited to release to the Decree-Holder a sum of KShs.2,900,000/= in execution of decree of this Court against the Judgment-Debtor Africa Merchant Assurance Company Limited issued on 2.3.2021, from Account Nos.36553700/= Current Account and Fixed Deposit Account No. FDLC 202730002 and FDLC 20175000/= held at the Garnishee's Capital Centre Branch, Nairobi and Funzi Road Branch, Nairobi, respectively.
5. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 20TH DAY OF APRIL, 2021

R.E. ABURILI

JUDGE