



IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI COMMERCIAL & TAX DIVISION

CORAM: D. S. MAJANJA J.

MISCELLANEOUS CASE NO. E196 OF 2019

BETWEEN

ROBSON HARRIS & COMPANY ADVOCATES.....DECREE HOLDER

AND

INVESCO ASSURANCE COMPANY LIMITED.....RESPONDENT

AND

DTB BANK LIMITED.....1ST GARNISHEE

COOPERATIVE BANK LIMITED..... 2ND GARNISHEE

FAMILY BANK LIMITED.....3RD GARNISHEE

RULING

1. I have considered the Chamber Summons dated 17th December 2019 seeking garnishee order nisi made on 19th December 2019 against DTB Bank Ltd., Cooperative Bank Limited and Family Bank Limited for the amount of Kshs. 6,380,000 being the decretal amount to be made absolute.

2. The 1st garnishee, DTB Bank Limited, has not filed a replying affidavit. The 2nd garnishee, Cooperative Bank Limited through the affidavit of Judy Nyawara sworn on 16th January 2020 has deponed that it has no credit balance in the judgment debtor's favour. The 3rd garnishee, Family Bank Limited, through the affidavit of Julius Mbugua Wachira sworn on 23rd December 2019 states that it has a credit balance of Kshs. 2,871,454.38 in favour of the Judgment Debtor however, the same is attached by an order dated 1st October 2019 in HC Miscellaneous Application No. E181 of 2019 between the same parties.

3. In the circumstances, I discharge the garnishee order nisi in respect of the 2nd and 3rd garnishee. As the 1st garnishee, DTB Bank Limited, was served on 30th December 2019 and has not filed any replying affidavit, the garnishee order nisi in respect of DTB Bank Limited is now made absolute.

4. The applicant/decreet holder shall pay costs of Kshs. 10,000/= each to the 2nd and 3rd garnishee.

DATED and DELIVERED at NAIROBI this 28th day of JANUARY, 2020.

DAVID S. MAJANJA

JUDGE

Court Assistant: Mr. M. Onyango

Mr. Ratemo for the Decree Holder

Ms. Muvindeje for the 3rd Garnishee

Mr. Otieno or Mr. Kagicha for 2nd Garnishee