

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 3154 OF 2003

IN THE ESTATE OF JAMES WAITHAKA KINYANJUI (DECEASED)

RULING

1. Garnishee orders were made on 25th June 2014 by Kimaru J. It was directed that the garnishee and the respondent be served with the application dated 25th June 2014.
2. The garnishee, upon being served, replied to the application through the manager of its Kawangware Branch, in an affidavit sworn on 8th August 2014. It is conceded that the bank account in question in the name of the respondent, but pointed out that the same is jointly held with another person. The garnishee states that it awaits directions from the court.
3. The affidavit of service on record sworn on 30th September 2014 by Isaac Kibera, process server, indicates that the respondent was served on 30th September 2014. The said respondent did not reply to the application.
4. I have noted from the affidavit of the garnishee that the account in question is held by the respondent and a James A. Kinyanjui. It would appear that the same James A. Kinyanjui is the first applicant in the Motion of 19th March 2014. It was submitted by his advocate on 8th October 2014 that he stopped operating the account jointly by with the respondent a long time ago.
5. As the respondent has failed to appear and reply to the application, and as the garnishee has appeared and stated itself to be open to any directions from the court, it is hereby directed that the garnishee shall pay to the decree-holder the amount standing on A/C No. **[particulars withheld]** Kawangware Branch in partial settlement of the decretal sum. Each party shall bear their own costs. It is so ordered.

DATED, SIGNED and DELIVERED at NAIROBI this 29TH DAY OF MAY, 2015.

W. MUSYOKA

JUDGE

In the presence of advocate for the applicant.

In the presence of advocate for the respondents.