



Tindika t/a Tindika & Company Advocates v Kazungu; Kurby & another (Garnishee) (Environment and Land Miscellaneous Application E047 of 2025) [2025] KEELC 6102 (KLR) (22 September 2025) (Ruling)

Neutral citation: [2025] KEELC 6102 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E047 OF 2025
FM NJOROGE, J
SEPTEMBER 22, 2025**

BETWEEN

**RANDOLPH M TINDIKA T/A TINDIKA & COMPANY
ADVOCATES APPLICANT**

AND

MIKE KAINGU KAZUNGU RESPONDENT

AND

**OMAR ABEID KURBY GARNISHEE
JAMILA NYAMBURA ISSA MUTUNGI T/A ISSA MUTUNGI & COMPANY
ADVOCATES GARNISHEE**

RULING

1. The outcome of the reference in Malindi Elc Miscellaneous E004 OF 2025 was that this court found no error or impropriety of exercise of discretion on the part of the taxing master and the reference brought by way of the Chamber Summons dated 17th February 2025 was dismissed in its entirety in a ruling also dated 22/09/2025.
2. Consequently, the sum claimed vide the garnishee proceedings herein is ascertainable. I therefore grant the amended notice of motion dated 12th March 2025 in terms of prayer no 2 thereof. the garnishee order nisi issued on 14/3/2025 against the 2nd garnishee and extended from time to time is hereby made a garnishee order absolute and execution thereof shall be in terms expressed in prayer no 4 in the amended notice of motion dated 12th March 2025. The costs of the 2nd garnishee are hereby assessed by this court in the sum of Kshs 20,000/= (twenty thousand shillings only) and they shall be borne by the respondent by way of setoff against his account with the 2nd garnishee.



It is so ordered.

**DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 22ND
DAY OF SEPTEMBER 2025.**

MWANGI NJOROGE

JUDGE, ELC, MALINDI.

