



REPUBLIC OF KENYA



**Spinners & Spinners Limited v Kimilili Wholesalers Limited; Bank of Baroda Kenya Limited  
(Garnishee) (Civil Case E007 of 2020) [2025] KEHC 4151 (KLR) (1 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4151 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CIVIL CASE E007 OF 2020  
RN NYAKUNDI, J  
APRIL 1, 2025**

**BETWEEN**

**SPINNERS & SPINNERS LIMITED ..... DECREE HOLDER**

**AND**

**KIMILILI WHOLESALERS LIMITED ..... JUDGMENT DEBTOR**

**AND**

**BANK OF BARODA KENYA LIMITED ..... GARNISHEE**

**RULING**

1. The application before me dated 29<sup>th</sup> January, 2025 is expressed to be brought under the provisions of sections 1A, 1B, 3A of the *Civil Procedure Act*, Order 23 Rule 1 and Order 51 Rule 1 of the Civil Procedure Rules. The applicant seeks reliefs as follows:
  - a. Spent
  - b. That pending the hearing and determination of this application, this Hon. Court be pleased to make a Garnishee Order Nisi against Bank of Baroda Kenya Limited, the Garnishee herein ordering that all monies deposited, lying and being held in deposit by the Garnishee respectively to the credit of Spinners & Spinners Limited the judgment debtor/respondent herein in Account Number xxxxxxx and in any other account in that bank; or so much of it as may be sufficient to satisfy the decree herein be attached to answer the decree for the sum of Kshs. 22,806,508/= being the amount in respect of which judgment was entered in favor of the Decree Holder/Applicant herein, interest on decretal amount in the sum of Kshs. 10,947,123/= and costs of the suit in the sum of Kshs. 639,575/=.
  - c. That a Garnishee Order Nisi upon the Garnishee do issue and the same be served on the Garnishee before being served on the Judgment Debtor/Respondent or their Advocates.



- d. That the Garnishee herein be directed, to within seven (7) days of an order of this Hon. Court to furnish a full account of all monies held in favour of the judgment debtor sufficient to pay the Decree-Holder the sum of Kshs. 34,393,206/= in order to satisfy the Decree and Certificate of Costs issued by this Honorable court on 11<sup>th</sup> July, 2023.
  - e. That the Garnishee herein be summoned to appear before this Hon. Court on an appointed date and time to show cause why they should not pay the decree holder/applicant's advocates the sum of Kshs. 34,393,306.80/= being the Decretal sum plus Interest and Costs of the suit issued by this Honorable Court on 23<sup>rd</sup> January, 2024 in favor of the Decree Holder herein and further costs of these Garnishee proceedings.
  - f. That a Garnishee order absolute be and is hereby issued directed to Bank of Baroda Kenya Limited, the Garnishee herein, to release and/or remit to the Decree-Holder's Advocates M/s CM Advocates LLP, the sum of Kshs. 34,393,206/= held in favor of the Judgment Debtor-Spinners & Spinners Limited in order to satisfy the Decree and Certificate of costs issued by this Honorable court on 11<sup>th</sup> July, 2023.
  - g. That the costs of this Garnishee proceedings be awarded to the Decree-Holder/Applicant.
2. The application is supported by an affidavit sworn by Manthi Muendo and on grounds on the face of it.

### **Decision**

3. Having considered the application dated 29th January, 2025 and the supporting affidavit of Manthi Muendo, I am satisfied that the Decree Holder/Applicant has established a prima facie case for the issuance of a Garnishee Order Nisi. The record confirms that judgment was entered in favor of the Decree Holder against the Judgment Debtor for Kshs. 22,806,508/= together with interest of Kshs. 10,947,123/= and costs of Kshs. 639,575/=, aggregating to Kshs. 34,393,206/=.
4. At this preliminary stage, and in accordance with the established procedure for garnishee proceedings, the Court is only required to issue the preliminary orders. The substantive determination on whether the Garnishee Order Nisi should be made absolute will be made after service has been effected and the Garnishee has been afforded an opportunity to show cause why the order should not be made absolute. Accordingly, I hereby grant prayers (b), (c), (d), and (e) of the application and the applicant should effect service upon the Respondent.
5. Accordingly, the Court hereby issues the following orders:
  - a. That pending the hearing and determination of this application, this Hon. Court be pleased to make a Garnishee Order Nisi against Bank of Baroda Kenya Limited, the Garnishee herein ordering that all monies deposited, lying and being held in deposit by the Garnishee respectively to the credit of Spinners & Spinners Limited the judgment debtor/respondent herein in Account Number xxxxxxxx and in any other account in that bank; or so much of it as may be sufficient to satisfy the decree herein be attached to answer the decree for the sum of Kshs. 22,806,508/= being the amount in respect of which judgment was entered in favor of the Decree Holder/Applicant herein, interest on decretal amount in the sum of Kshs. 10,947,123/= and costs of the suit in the sum of Kshs. 639,575/=.
  - b. The Garnishee Order Nisi shall be served on the Garnishee before being served on the Judgment Debtor/Respondent or their Advocates.



- c. The Garnishee is directed to furnish, within seven (7) days of this order, a full account of all monies held in favor of the Judgment Debtor sufficient to pay the Decree-Holder the sum of Kshs. 34,393,206/=.
- d. The Garnishee is hereby summoned to appear before this Court on 8<sup>th</sup> April, 2025 at 9:00 am to show cause why it should not pay to the Decree Holder/Applicant's advocates the sum of Kshs. 34,393,206/= being the decretal sum plus interest and costs of the suit

6. It is so ordered.

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 1ST DAY OF APRIL 2025.**

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**R. NYAKUNDI**

**JUDGE**

