



REPUBLIC OF KENYA



**Kinyua & Maingi Advocates v Trident Insurance Company Limited;
Safaricom Plc (Garnishee) (Miscellaneous Civil Application
E331 of 2023) [2025] KEHC 11094 (KLR) (28 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11094 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CIVIL APPLICATION E331 OF 2023**

**PN GICHOHI, J
JULY 28, 2025**

BETWEEN

KINYUA & MAINGI ADVOCATES APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

AND

SAFARICOM PLC GARNISHEE

RULING

1. Under a certificate of urgency, vide a Notice of Motion dated 11th February, 2025 pursuant to Sections 1A, 1B and 3A *Civil Procedure Act*, Order 51 Rule 1 and 3, Order 22 Rule 1 & Rule 11 and Order 23 Rules 1 and 10 of the Civil Procedure Rules Cap 21 Laws of Kenya. The Applicant seeks Orders:-
 - a. Spent.
 - b. Spent.
 - c. That this Honourable Court be pleased to issue Garnishee Order Nisi against the Garnishee, Safaricom Limited to attach all monies due and belonging to Trident Insurance Co. Limited in her credit or on her Mpesa Pay Bill Number 985850 and or in any other Pay Bill or Till Number or so much of it as is sufficient to satisfy the decree of Kshs. 201, 530. 40 only together with costs of this Garnishee proceedings amounting to Kshs. 30,000/= totalling to Kshs. 231, 530.40 herein which amounts remain due and owing.
 - d. That the Garnishee, Safaricom Limited, shall upon being served with Garnishee Order Nisi by this Honourable Court, notify the Court in writing



of what sum is held in the said Mpesa Pay Bill Number 985850 and due to the Judgment Debtor Trident Insurance Co. Limited, and if the Garnishee does not dispute the debt, she shall pay to M/S Kinyua & Maingi Advocates the said sum of Kshs. 210,530. 40 plus costs of this Garnishee application amounting to Kshs. 30,000/=.

- e. That if the Garnishee, Safaricom Limited disputes holding funds and monies to credit of Trident Insurance Co. Limited in Mpesa Pay Bill Number 985850 then Garnishee be ordered to appear and state the same during hearing of the Applicant's application.
 - f. That the Garnishee Order Nisi be made absolute.
 - g. That the costs of this application be provided for.
2. The application is based on grounds on the face of the application and supported by the Affidavit sworn by Njoki Kinyua Advocate sworn on even date where she depones that Decree holder obtained a decree against the Respondent on 3/12/2024, for Kshs. 210, 530. 40 but the Respondent /judgment debtor has ignored /refused to settle the decretal sum.
 3. She believes the Respondent operates a Paybill Account Number 985850 held by the Garnishee on their behalf and therefore, unless orders sought are issued forthwith , the Respondent may withdraw same hence making it impossible to execute the Decree issued to the Decree- holder.
 4. The Decree Nisi was issued by the Court on 12th February 2025 and though served on parties, there was no response from the Respondent and no attendance either.
 5. The Garnishee filed a Replying Affidavit dated 11th February 2025 saying that they are not opposed to the application except that they seek costs of these proceedings for reasons that the Respondent's Paybill Number 985850 has sufficient funds to satisfy the whole decretal sum of Kshs. 210, 530. 40 (Kenya Shillings Two Hundred and Ten Thousand Five Hundred and Thirty and Forty Cents (Kshs. 210, 530.40).

Determination

6. Despite service, there is no response by the Respondent and after hearing the Applicant and the Garnishee, this Court confirms that a Decree herein remains unsettled by the Respondent herein.
7. Further, the Garnishee confirms that indeed, the Respondent/Judgment Debtor has sufficient funds to satisfy the decree herein and that the Garnishee having secured it in compliance with Garnishee Order Nisi .
8. The Garnishee has no objection to the Garnishee said Order being made absolute as sought by the Applicant save that he prays that the costs be borne by the Respondent.
9. In the circumstances, the Application dated 11th February, 2025 is merited and allowed in the following terms:-
 1. The Garnishee Order Nisi issued on 12th February 2025 be and is hereby made Garnishee Order Absolute.
 2. The Garnishee Order Absolute be served on the Garnishee to release the sum of Kshs. 210, 530.40 to the Applicant forthwith.
 3. The costs of this application be borne by the Respondent/Judgment -Debtor.



DATED, SIGNED AND DELIVERED AT NAKURU THIS 28TH DAY OF JULY , 2025.

PATRICIA GICHOHI

JUDGE

In the presence of:

N/A by Ms Kinyua for Applicant

N/A by Ms . Omalla for Garnishee

N/A for Respondent

Ruto, Court Assistant

