



**Joe Ngigi & Company Advocates LLP v Trident Insurance Company Limited; KCB Bank Kenya Ltd (KCB Nairobi High Court Branch) (Garnishee) (Miscellaneous Application E638 of 2022) [2024] KEHC 1326 (KLR) (Civ) (15 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1326 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL**

**MISCELLANEOUS APPLICATION E638 OF 2022**

**JN MULWA, J**

**FEBRUARY 15, 2024**

**BETWEEN**

**JOE NGIGI & COMPANY ADVOCATES LLP ..... APPLICANT**

**AND**

**TRIDENT INSURANCE COMPANY LIMITED ..... RESPONDENT**

**AND**

**KBC BANK KENYA LTD (KCB NAIROBI HIGH COURT BRANCH) ..... GARNISHEE**

**RULING**

1. By an Application dated 2/10/2023, the Decree Holder/Applicant herein after called D/H seeks orders: -
  - a. Spent
  - b. That Garnishee Orders Nisi do issue against the Garnishee to attach any money held by them in the Respondent's account number 1121577032 at KCB Bank Kenya Limited at High Court Branch and any other account by the aforesaid in satisfaction of the decretal amount of Kshs. 112,578/=
  - c. That the Garnishee do appear before Court to show cause why they should not pay to the decree holder Kshs. 112,578/= from the account stated at (b) above
  - d. That the decree nisi be made absolute.



2. By a Replying Affidavit sworn by Wycliffe Ochieng Branch Manager of the Garnishees Bank KCB High Court Branch, it is deposed that as at 13/10/2023, the J/D's account held a credit balance of Kshs. 3,630,093.29 and that the J/D has an overdraft loan facility of Kshs. 7.5 million and therefore the J/D is indebted to the Garnishee therefore it is not able to attach the said account as sought by the Decree Holder and further that the said amount has been locked or attached and that the Garnishee does not hold another account on behalf of the J/D.
3. In view of the above averments that have not been challenged the Decree Holder cannot be granted prayers it seeks as doing so would be issuing orders in vain. Suffice to state that there are several other modes available to the Decree Holder in execution of decrees that the Decree Holder may wish to explore.

The Application dated 2/10/2023 is dismissed with no orders on costs.

Orders accordingly.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15<sup>TH</sup> DAY OF FEBRUARY, 2024.**

**J. N. MULWA**

**JUDGE**

