



**Molyn Credit Limited v Odeny Maube & Company, Advocates; NCBA Bank Kenya (Garnishee)
(Miscellaneous Civil Case E025 of 2022) [2024] KEHC 1389 (KLR) (16 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1389 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
MISCELLANEOUS CIVIL CASE E025 OF 2022
WM MUSYOKA, J
FEBRUARY 16, 2024**

BETWEEN

MOLYN CREDIT LIMITED APPLICANT

AND

ODENY MAUBE & COMPANY, ADVOCATES RESPONDENT

AND

NCBA BANK KENYA GARNISHEE

RULING

1. The Motion, dated October 3, 2023, is by the respondent. It is directed at the garnishee, for attachment of a sum of Kshs. 29,565.00, held in an account operated by the applicant in the garnishee bank. It also seeks that the garnishee appear in court to show cause why that amount should not be paid out of that account.
2. The application was placed before me, on October 9, 2023. I made an *order nisi*, and directed service of the application. I allocated October 16, 2023, as the date when the garnishee was to attend court to show cause.
3. There is evidence that the application was served on both the applicant and the garnishee. I see a reply on record, by the applicant. It is averred that the costs in contention were taxed without notice to the applicant, and that no decree or certificate of costs was ever served on them. The applicant also protests that details of its bank account were obtained in a manner that contravened the law. Email correspondence between the court and the Advocates for the applicant is attached, with respect to the ruling on costs. The garnishee did not reply to the Motion.
4. The application was canvassed by way of written submissions, filed by the applicant and the respondent.



5. The assessment of the costs is not disputed. This cause was initiated to challenge the taxation of those costs. I struck out the reference, by a ruling that I delivered herein on May 12, 2023. There is no evidence that the applicant mounted another reference thereafter. As it is, those costs still stand. The fact that the bank account is operated by the applicant is not disputed.
6. There should be an end to litigation. I issued a garnishee *order nisi* on October 9, 2023, and I hereby make that order absolute. Orders accordingly.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA THIS 16TH DAY OF FEBRUARY 2024

W MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Appearances

Mr. Acheru, instructed by Acheru Mufuayia & Company, Advocates for the applicant.

Ms. Khisa, instructed by Bruce Odeny & Company, Advocates for the respondent.

