



**Molyn Credit Limited v Odeny Maube & Company Advocates; NCBA Bank Kenya (Garnishee)  
(Miscellaneous Civil Case E026 of 2022) [2024] KEHC 1330 (KLR) (16 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1330 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
MISCELLANEOUS CIVIL CASE E026 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 3<sup>rd</sup> October 2023, is by the respondent. It is directed at the garnishee, for attachment of a sum of ksh 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 9<sup>th</sup> October 2023. I made an order *nisi*, and directed service of the application. I allocated 16<sup>th</sup> October 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 12<sup>th</sup> May 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 9<sup>th</sup> October 2023, and I hereby make that order absolute. Orders accordingly.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA THIS 16<sup>TH</sup> DAY OF FEBRUARY 2024**

**W MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.

Appearances

Mr. Achero, instructed by Achero Mufuayia & Company, Advocates for The Applicant.

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

