

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT BOMET**

**MISC CIVIL APPLICATION NO. E029 OF 2021**

**OUMA MAURICE OTIENO T/A**

**O.M OTIENO & CO. ADVOCATES** .....

**APPLICANT**

**VERSUS**

**AFRICA MERCHANT ASSURANCE**

**COMPANY LIMITED** .....

**RESPONDENT**

**AND**

**SAFARICOM PLC** ..... **GARNISHEE**

**RULING**

1. The Applicant filed a Chamber Summons Application dated 22<sup>nd</sup> July 2025 which sought the following orders: -

I. Spent.

II. THAT at the inter parties and/or further hearing of this Application, the *Garnishee nisi* be made absolute and the monies attached be released to the Decree Holder/Advocate/Applicant, O.M Otieno & Company Advocates to satisfy the decretal sum outstanding at the time of determination of these proceedings.

III. THAT costs of this Application be provided for.

2. The Application was brought under the provisions of **Order 23 Rule 1(1) of the Civil Procedure Rules and sections 1A, 1B and 3A of the Civil Procedure Act** and it was based on the grounds on the face of the Application and further by the Supporting Affidavit sworn by Ouma Maurice Otieno Advocate on 22<sup>nd</sup> July 2025.

3. In the lead file being **Misc. Civil Application Number E020 of 2021, Ouma Maurice Otieno t/a O.M Otieno & Co. Advocates vs Africa Merchant Assurance Co. Ltd & another**, this court directed that the order arising from the referenced file shall apply to this file.

4. In its Replying Affidavit dated 29<sup>th</sup> September 2025 sworn by Stella Mutindi Mutua, the Garnishee's Senior Merchant Officer in the Enterprise Channels Department, M-pesa services, the Garnishee stated that Till Number 4106404 was held and operated by the Respondent. The Garnishee further stated that upon 4 days of the receipt of the *Garnishee Absolute*, it shall release Kshs 299,556/= to the Applicant.

5. Flowing from the above, I make the following orders: -

- I. An order for *Garnishee Absolute* is issued against Safaricom PLC that all monies belonging to the

Judgement Debtor (Africa Merchant Assurance Company Limited) and held by the Garnishee in Till Account Number 4106404 be attached to recover Kshs 299,556/= owed to the Applicant by the Respondent.

II. Each party shall bear their own costs in this Application.

**Ruling delivered, dated and signed at Bomet this 9<sup>th</sup> day of October, 2025.**

.....  
**J.K.NG'ARNG'AR**

**JUDGE**

**Ruling delivered in the presence of;**

**Siele and Susan (Court Assistants).**

**O.M. Otieno for the Appellant**

**Munyoki for the Respondent**