

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BOMET

MISC CIVIL APPLICATION NO. E025 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 9th September 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 Otiemo & 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 Otiemo Advocate on 9th September 2025.

3. In the lead file being **Misc. Civil Application Number E018 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 16th October 2025 sworn by Stella Mutindi Mutua, the Garnishee stated that the Respondent operated Till Number 4106404 and that it had sufficient funds to satisfy the outstanding decretal sum. It was the Garnishee's contention that they had set aside the sum of Kshs 260,803/= and were willing to remit the sum 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 260,803/= 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 29th day of October, 2025.

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Hon. JULIUS K. NG'ARNG'AR
JUDGE

Ruling delivered in the presence of:

Siele/Susan (Court Assistants).

Otieno for the Applicant

Mugumya for the Respondent

Metale for the Garnishee