



**Dak v Eldoret College of Professional Studies & another; Equity Bank of Kenya Limited
(Garnishee) (Constitutional Petition 13 of 2020) [2026] KEHC 7 (KLR) (7 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 7 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CONSTITUTIONAL PETITION 13 OF 2020
RN NYAKUNDI, J
JANUARY 7, 2026**

BETWEEN

GABRIEL TURIC DAK PETITIONER

AND

ELDORET COLLEGE OF PROFESSIONAL STUDIES 1ST RESPONDENT

UNIVERSITY OF ELDORET 2ND RESPONDENT

AND

EQUITY BANK OF KENYA LIMITED GARNISHEE

RULING

1. Before this Court is a notice of motion under dated 3rd day of February 2025 where the Applicant sought for the following orders:
 - a. Spent.
 - b. A garnishee order nisi do issue against the garnishee attaching the sum of Kshs 1,179,280.00 together with costs of this application at Kshs 50,000.00 or any other available sum be it lesser being held in credit in account number 10902xxxxxxx held by the garnishee in the name of the judgment debtor or in any other account maintained by the 1st respondent/judgment debtor at the garnishee's bank pending hearing and determination of this application interparty.
 - c. The garnishee order nisi be made absolute by directing the garnishee to pay Aloo Romanus & Company Advocates sum of Kshs 1,179,280.00 together with costs of this application at Kshs 50,000.00 or any other available sum be it lesser being held in credit in account Number 10902xxxxxxx held by the garnishee in the name of the judgment debtor or in any other account maintained by the respondent/judgment debtor at the garnishee's bank.



- d. Costs for the application be provided for.
2. Which application is based on the grounds:
 - a. The Court on 23rd December 2022 delivered its judgment in this instant case and directed the 1st respondent to pay the claimant Kshs 1,000,000.00 as general damages alongside costs of the suit and interest.
 - b. The Court further on 14th August 2024 delivered its ruling on costs and issued a certificate of costs to the tune of Kshs 179,280.00 but the 1st respondent is yet to pay any amounts despite being asked severally therefore necessitating the filing of this application.
 - c. It is within the public knowledge that the 1st respondent school is not doing well and has no attachable assets hence the need and urgency of this application to be heard first.
 - d. We have sent auctioneers who have been all but unsuccessful in attachment.
 3. The application is supported by an affidavit sworn by Aloo Romanus who deponed as follows:
 - a. That I am applicants' advocate on record hence duly authorized and competent to swear this affidavit.
 - b. That on 23/12/2022 the honorable court delivered its judgment on the subject case and directed that the 1st respondent does pay the petitioner/applicant Kshs 1,000,000.00 as general damages and bear the costs of the suit. Subsequently on 14th August 2024 the court awarded the claimant/applicant a certificate of costs to the tune of kshs 179,280.00.
 - c. That from the documents above, it is clear that the 1st respondent is to pay the claimant a total of Kshs 1,179,280 but the 1st respondent has failed and/neglected to do so despite being served with all the documents and a demand for payment made.
 - d. That it is clear that despite service, the respondent is not interested in paying the money hence the court should come to the aid of the applicant to realize the fruits of the judgment.
 - e. That the applicant came to know of the respondent account details reason being it's the account given to students to pay fees.
 - f. That it is only fair and just that the respondents are compelled to satisfy the decree by payment of costs in full in the first instance.

Decision

4. The essence of this application is within the ambit of the law which deals with enforcement and execution of judgments. The remedy being sought is supported by Order 23 Rule 3 & 4 of the Civil Procedure Rules. I therefore find merit in the application by granting prayer No. 2 couched in the following terms:
 - a. The garnishee order nisi be made absolute by directing the garnishee to pay Aloo Romanus & Company Advocates sum of Kshs 1,179,280.00 together with costs of this application at Kshs 50,000.00 or any other available sum be it lesser being held in credit in account Number 10902xxxxxxx held by the garnishee in the name of the judgment debtor or in any other account maintained by the respondent/judgment debtor at the garnishee's bank.
5. This order shall be extracted by the Deputy Registrar of the High Court to be served upon Equity Bank Limited Eldoret Branch.



GIVEN UNDER MY HAND AND SEAL OF THIS HONOURABLE COURT THIS 7TH DAY OF
JANUARY 2026.

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R. NYAKUNDI

JUDGE

