



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYAMIRA
(CHERERE-J)**

HCCCMISC E038 OF 2022

BETWEEN

**OUMA MAURICE OTIENO t/a O.M. OTIENO & COMPANY
ADVOCATES**

.....

.....**DECREE HOLDER**

AND

AFRICAN MERCHANT ASSURANCE CO.LTD
JUDGMENT DEBTOR

AND

SAFARICOM **PLC**

.....

GARNISHEE

RULING

1. What is before the Court is the question whether the Garnishee Order Nisi issued on 16th December 2025 should be allowed to stand as a final order. The order concerns recovery of KES 232,343 under the decree in this matter.
2. The Decree Holder moved the Court by Notice of Motion dated 11th December 2025 seeking attachment of monies held by Safaricom PLC for and on behalf of the Judgment Debtor in TILL ACCOUNT NUMBER 545400 and ACCOUNT NUMBER 4106404.
3. After the interim order was granted, the Garnishee filed a Notice of Appointment dated 12th February 2026 indicating

representation. However, no affidavit, explanation, or denial was filed to challenge the attachment.

4. The Judgment Debtor has similarly remained silent and has not sought to set aside or vary the Order Nisi.
5. The effect of Order 23 of the Civil Procedure Rules is that an Order Nisi becomes ripe for confirmation where no sufficient cause is shown against it. The Court must then determine whether there is any lawful reason to decline enforcement of the decree through the garnishee process.
6. In the present case, the decree has not been satisfied and there is no material placed before the Court contesting the attachment of the specified accounts.
7. In those circumstances, the Garnishee Order Nisi issued on 16th December 2025 is hereby confirmed and made absolute.
8. The Garnishee, Safaricom PLC shall pay to the Decree Holder KES 232,343, together with further interest at 14% per annum on the principal decretal sum of KES 133,176 from 16th December 2025, being the date of the Garnishee Order Nisi, until payment in full, such payment to be effected from TILL ACCOUNT NUMBER 545400 and ACCOUNT NUMBER 4106404.

9. The Garnishee shall not be entitled to costs, it having filed only a Notice of Appointment without any response to the application.

10. Upon full payment of the decretal sum and accrued interest, the Garnishee shall be discharged from further liability under this decree.

DELIVERED AT NYAMIRA THIS 12th DAY OF
March 2026



WAMAE.T. W. CHERERE
JUDGE

Appearances

Court Assistant - Hilda

For the DH/Applicant - Mr. Ouma for O.M. Otieno & Co.

Advocates

For the JD/Respondent - N/A

**For the Garnishee - Mr. Ojonga for Meritad Law
Africa LLP**