



**Otieno t/a OM Otieno & Company Advocates v African Merchant Assurance Co Ltd & another  
(Civil Miscellaneous E039 of 2022) [2026] KEHC 4419 (KLR) (12 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4419 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CIVIL MISCELLANEOUS E039 OF 2022**

**TW CHERERE, J**

**MARCH 12, 2026**

**BETWEEN**

**OUMA MAURICE OTIENO T/A OM OTIENO & COMPANY  
ADVOCATES ..... DECREE HOLDER**

**AND**

**AFRICAN MERCHANT ASSURANCE CO LTD ..... JUDGMENT DEBTOR**

**AND**

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

**RULING**

1. The Decree Holder seeks confirmation of the Garnishee Order Nisi issued on 16<sup>th</sup> December 2025 in respect of the decretal sum of KES. 220,130, being the amount then outstanding pursuant to the decree dated 16<sup>th</sup> September 2024 which adopted the taxed sum of KES. 125,167 together with interest at 14% per annum from 16<sup>th</sup> March 2022 until payment in full.
2. The Garnishee, through the Replying Affidavit sworn on 18<sup>th</sup> February 2026, confirms that Account Number 41xxxxx is operated by the Judgment Debtor and that sufficient funds have been set aside to satisfy the decretal amount.
3. No sufficient cause has been shown by the Judgment Debtor to prevent confirmation of the Order Nisi.
4. In exercise of the powers conferred under Order 23 Rules 1 and 3 of the Civil Procedure Rules, the Garnishee Order Nisi issued on 16<sup>th</sup> December 2025 is hereby made absolute in respect of funds held in M-Pesa Account Number 41xxxxx.



5. Safaricom PLC shall forthwith pay to the Decree Holder KES. 220,130 together with further interest at 14% per annum on the principal decretal sum of KES 125,167 from 16<sup>th</sup> December 2025, being the date of the Garnishee Order Nisi, until payment in full.
6. Costs of the garnishee proceedings shall be borne by the Judgment Debtor.
7. Upon full settlement, the Garnishee shall stand discharged.

**DELIVERED AT NYAMIRA THIS 12<sup>TH</sup> DAY OF MARCH, 2026**

**WAMAE.T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant – Hilda

For the DH/Applicant – Mr. Ouma for O.M. Otieno & Company Advocates

For the JD/Respondent – N/A

For the Garnishee – Ms. Otieno for Kairu & Mc Court Advocates

