



**Otieno t/a O.M. Otieno & Company Advocates v African Merchant Assurance Co.Ltd & another
(Civil Miscellaneous E054 of 2022) [2026] KEHC 4454 (KLR) (12 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4454 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CIVIL MISCELLANEOUS E054 OF 2022
TW CHERERE, J
MARCH 12, 2026**

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. This matter arises from the decree issued on 16th September 2024 adopting the taxed costs of KES 125,167 together with interest at 14% per annum from 16th March 2022 until payment in full.
2. By application supported by the affidavit of Ouma Maurice Otieno sworn on 11th December 2025, the Decree Holder sought attachment of monies held by the Garnishee in satisfaction of the outstanding decretal sum.
3. On 16th December 2025, this Court issued a Garnishee Order Nisi in respect of KES 201,119 attaching funds held through M-Pesa accounts operated by the Judgment Debtor.
4. The Garnishee filed a Replying Affidavit sworn on 18th February 2026 by Cerere Kihoro confirming that M-Pesa Account Number 41xxxxx is operated by the Judgment Debtor and that sufficient funds were set aside pursuant to the Court's order.
5. The Judgment Debtor has not shown cause why the Order Nisi should not be confirmed.



6. In exercise of the powers conferred under Order 23 Rules 1 and 3 of the Civil Procedure Rules, the Garnishee Order Nisi issued on 16th December 2025 is hereby made absolute in respect of funds held in M-Pesa Account Number 41xxxxx.
7. The Garnishee, Safaricom PLC, shall forthwith pay to the Decree Holder the sum of KES 201,119, together with further interest at 14% per annum on the principal decretal sum of KES 125,167 from 16th December 2025, being the date of the Garnishee Order Nisi, until payment in full.
8. Costs of the garnishee proceedings shall be borne by the Judgment Debtor.
9. Upon full settlement of the decretal sum and accrued interest, the Garnishee shall stand discharged.

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 & Company Advocates

For the JD/Respondent – N/A

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

