



Otieno t/a OM Otieno & Company Advocates v African Merchant Assurance Co Ltd & another; Plc (Garnishee) (Civil Miscellaneous E028 of 2022) [2026] KEHC 4418 (KLR) (12 March 2026) (Ruling)

Neutral citation: [2026] KEHC 4418 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CIVIL MISCELLANEOUS E028 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

AND

SAFARICOM PLC GARNISHEE

RULING

1. The application dated 11th December 2025 is supported by the affidavit of Ouma Maurice Otieno sworn on the same date seeking attachment of monies held by the Garnishee on behalf of the Judgment Debtor to satisfy the decree of KES 168,558 together with interest.
2. The Garnishee filed a Replying Affidavit sworn on 18th February 2026 by Cerere Kihoro confirming that Paybill Account Number 4106404 is operated by the Judgment Debtor and that KES 168,558 was set aside pursuant to the Court order.
3. The question before the Court is whether the Garnishee Order Nisi issued on 16th December 2025 for the decretal sum of KES 168,558 should be made absolute.
4. The Judgment Debtor has not placed any material before the Court to oppose confirmation of the Order Nisi.



5. Under Order 23 Rules 1 and 3 of the *Civil Procedure Rules*, where a garnishee admits holding funds due to a judgment debtor and no sufficient cause is shown, the Court may make the order absolute.
6. The decree remains unsatisfied and the Garnishee has acknowledged availability of funds sufficient to satisfy the decretal amount.
7. Accordingly, the Garnishee Order Nisi issued on 16th December 2025 is hereby made absolute in respect of funds held in M-Pesa Account Number 4106404.
8. The Garnishee, Safaricom PLC shall pay to the Decree Holder KES 168,558, together with further interest at 14% per annum on the principal decretal sum of KES 90,655.56 from 16th December 2025, being the date of the Garnishee Order Nisi, until payment in full.
9. Costs shall be borne by the Judgment Debtor
10. Upon satisfaction 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

