



Otieno t/a OM Otieno & Company Advocates v African Merchant Assurance Co Ltd & another; Plc (Garnishee) (Civil Miscellaneous E047 of 2022) [2026] KEHC 4421 (KLR) (12 March 2026) (Ruling)

Neutral citation: [2026] KEHC 4421 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CIVIL MISCELLANEOUS E047 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 Applicant seeks to enforce a decree issued in this matter by way of garnishee proceedings. By Chamber Summons dated 11th December 2025 brought under Order 23 Rule 1 of the *Civil Procedure Rules*, the Applicant prayed that monies held by the Garnishee on behalf of the Judgment Debtor be attached in satisfaction of the decretal sum of KES. 228,317.
2. Upon consideration of the application, this Court on 16th December 2025 issued a Garnishee Order Nisi directed at Safaricom PLC in respect of M-Pesa Till Number 545400 and Account Number 4106404.
3. The matter came up for hearing on 16th February 2026 when counsel for the Judgment Debtor attended court but no affidavit or grounds were filed to challenge the decree, the amount claimed, or the garnishee process.



4. The Garnishee filed a Replying Affidavit sworn on 17th February 2026 by Cerere Kihoro confirming that the Judgment Debtor operates M-Pesa Till Number 4106404 and that the said account holds sufficient funds to satisfy the decretal sum.
5. Order 23 Rule 1 of the Civil Procedure Rules empowers the Court to attach debts due from a third party to a judgment debtor and where the garnishee does not dispute liability and no sufficient cause is shown, the Court may make the garnishee order absolute.
6. In the present case, there exists a valid and unsatisfied decree. The Judgment Debtor has not shown cause why the order nisi should not be confirmed.
7. Accordingly, the Garnishee Order Nisi issued on 16th December 2025 is hereby made absolute in respect of funds held in M-Pesa Till Number 4106404.
8. The Garnishee, Safaricom PLC shall pay to the Decree Holder KES 228,317, together with further interest at 14% per annum on the principal decretal sum of KES 130,536 from 16th December 2025, being the date of the Garnishee Order Nisi, until payment in full.
9. Costs of the garnishee proceedings shall be borne by the Judgment Debtor. Upon satisfaction of the decree, 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 – Ms. Waweru

For the Garnishee – Ms. Wangare for Prof. Musili Wambua Advocates LLP

