



**Otieno t/a OM Otieno & Company Advocates v African Merchant Assurance Co Ltd & another; Plc (Garnishee) (Civil Miscellaneous E052 of 2022) [2026] KEHC 4422 (KLR) (12 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4422 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CIVIL MISCELLANEOUS E052 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. A decree was issued in this matter on 24<sup>th</sup> July 2023 for the sum of KES 137,199, together with interest at 14% per annum from 18th March 2022 until payment in full.
2. Subsequently, upon application by the Decree Holder, this Court issued a Garnishee Order Nisi on 16<sup>th</sup> December 2025 in respect of the cumulative decretal sum of KES 238,479.
3. The Garnishee, Safaricom PLC, filed a Replying Affidavit sworn on 17<sup>th</sup> February 2026 by Cerere Kihoro, confirming that the Judgment Debtor operates M-Pesa Till Numbers 545400 and 41xxxxx, and further confirming that M-Pesa Till Number 41xxxxx holds sufficient funds capable of satisfying the decretal sum.
4. The Judgment Debtor was represented in court on 16<sup>th</sup> February 2026 but did not file any response or objection to the garnishee proceedings.



5. From the material placed before the Court, it is evident that the decree issued on 24<sup>th</sup> July 2023 remains unsatisfied. The Garnishee has admitted holding funds belonging to the Judgment Debtor capable of satisfying the decree. The requirements under Order 23 of the Civil Procedure Rules have therefore been met.
6. In the premises, the Garnishee Order Nisi issued on 16<sup>th</sup> December 2025 is hereby made absolute in respect of the funds held in M-Pesa Till Number 41xxxxx.
7. The Garnishee, Safaricom PLC, shall forthwith pay to the Decree Holder the sum of KES 238,479, together with further interest at 14% per annum on the principal decretal sum of KES 137,199 from 16<sup>th</sup> December 2025, being the date of the Garnishee Order Nisi, until payment in full.
8. The costs of the garnishee proceedings shall be borne by the Judgment Debtor.
9. Upon payment of the said sum, the Garnishee shall stand discharged from any further liability in respect of the attached funds.

**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 – Ms. Waweru

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

