



Otieno t/a OM Otieno & Company Advocates v African Merchant Assurance Co Ltd & another; Plc (Garnishee) (Civil Miscellaneous E109 of 2022) [2026] KEHC 4424 (KLR) (12 March 2026) (Ruling)

Neutral citation: [2026] KEHC 4424 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CIVIL MISCELLANEOUS E109 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 Notice of Motion dated 11th December 2025 seeks attachment of monies held by the Garnishee in satisfaction of the decretal sum of KES 237,417 together with interest.
2. On 16th December 2025, this Court issued a Garnishee Order Nisi attaching monies held by the Garnishee on account of the Judgment Debtor through TILL NUMBER 545400 and 4106404.
3. The Garnishee entered appearance through counsel by filing a Notice of Appointment dated 12th February 2026 and subsequently filed a Replying Affidavit sworn on 11th March 2026 by Stella Mutindi Mutua, a Senior Merchant Officer in the Enterprise Channels Department – M-PESA Services under the Fintech Operations Division of the Garnishee. In the said affidavit, the Garnishee confirms that M-PESA Till Number 4106404 is held and operated by the Judgment Debtor and that the account is sufficiently funded to the extent of the decretal sum of KES 237,417. The Judgment Debtor did not file any response.



4. Under Order 23 Rules 1 and 3 of the Civil Procedure Rules, where no sufficient cause is shown against a garnishee order nisi, the Court may make the order absolute.
5. The Garnishee Order Nisi issued on 16th December 2025 is hereby made absolute.
6. Safaricom PLC shall forthwith pay to the Decree Holder the sum of KES 237,417, together with further interest at 14% per annum on the principal decretal sum of KES 136,503 from 18th March 2022 until payment in full, such payment to be effected from M-PESA Till Account Number 4106404.
7. The Decree Holder and the Garnishee are awarded costs of the application.
8. Upon payment of the said sum and the accrued interest, the Garnishee shall stand discharged from further liability in respect of the attached funds.
9. Upon full 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 & Co. Advocates

For the JD/Respondent – N/A

For the Garnishee – Mr. Ojonga for Meritad Law Africa LLP

