



Otieno t/a O.M. Otieno & Company Advocates v African Merchant Assurance Co.Ltd; Safaricom PLC (Garnishee) (Civil Miscellaneous E046 of 2022) [2026] KEHC 4453 (KLR) (12 March 2026) (Ruling)

Neutral citation: [2026] KEHC 4453 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CIVIL MISCELLANEOUS E046 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. The Court is seized of the Notice of Motion dated 11th December 2025 seeking execution of the decree herein through garnishee proceedings against Safaricom PLC for the sum of KES 207,561 together with interest.
2. By orders made on 16th December 2025, a Garnishee Order Nisi was issued attaching monies held by the Garnishee on behalf of the Judgment Debtor through TILL NUMBER 545400 and TILL NUMBER 4106404, or any other M-Pesa account operated by the Judgment Debtor.
3. The Garnishee 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. 207,561. The Judgment Debtor did not file any response.



4. Garnishee proceedings under Order 23 of the Civil Procedure Rules are intended to facilitate realization of a decree where a third party holds monies belonging to a judgment debtor. In the absence of opposition or dispute as to the debt, the Court is entitled to proceed to confirmation.
5. The decretal sum remains outstanding and there is no impediment placed before the Court to prevent enforcement.
6. The Garnishee Order Nisi issued on 16th December 2025 is therefore confirmed and is hereby made absolute.
7. The Garnishee, Safaricom PLC, shall pay to the Decree Holder KES 207,561, together with further interest at 14% per annum on the principal decretal sum of KES 116,925 from 16th December 2025, being the date of the Garnishee Order Nisi, until payment in full, such payment to be effected from M-PESA Till Number 4106404.
8. Costs of the garnishee proceedings to the Decree Holder and the Garnishee shall be paid 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 & Co. Advocates

For the JD/Respondent – N/A

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

