



**Otieno t/a OM Otieno & Company Advocates v African Merchant Assurance Company Limited; Safaricom Plc (Garnishee) (Civil Miscellaneous E048 of 2022) [2026] KEHC 4423 (KLR) (12 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4423 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CIVIL MISCELLANEOUS E048 OF 2022  
TW CHERERE, J  
MARCH 12, 2026**

**BETWEEN**

**OUMA MAURICE OTIENO T/A OM OTIENO & COMPANY  
ADVOCATES ..... DECREE HOLDER**

**AND**

**AFRICAN MERCHANT ASSURANCE COMPANY LIMITED .... JUDGMENT  
DEBTOR**

**AND**

**SAFARICOM PLC ..... GARNISHEE**

**RULING**

1. I have considered the Chamber Summons dated 11<sup>th</sup> December 2025 by the Decree Holder, supported by the affidavit of Ouma Maurice Otieno sworn on the same date, and the Replying Affidavit sworn on 17<sup>th</sup> February 2026 by Cerere Kihoro, Legal Counsel for the Garnishee, Safaricom PLC.
2. The Garnishee confirms that the Judgment Debtor operates M-Pesa Till Number 4106404 and that it holds sufficient funds to satisfy the decretal amount of KES 230,997.
3. Under Order 23 of the Civil Procedure Rules, once it is demonstrated that a valid and unsatisfied decree exists and that a third party holds funds belonging to the judgment debtor, the Court may make the garnishee order absolute unless sufficient cause is shown to the contrary.
4. In this matter, the decree remains unsatisfied. The Judgment Debtor, though represented in court on 16<sup>th</sup> February 2026, has not placed any material before the Court to oppose the application.
5. The Court is therefore satisfied that the legal threshold for making the Garnishee Order Nisi absolute has been met.



6. A Garnishee Order Absolute is hereby issued against the Garnishee. The Garnishee is directed to pay KES 230,997 to the Decree Holder together with further interest at 14% per annum on the principal decretal sum of KES 132,293.40 from 16<sup>th</sup> December 2025, being the date of the Garnishee Order Nisi, until payment in full, from M-Pesa Till Number 4106404.
7. Upon payment, the Garnishee shall stand discharged from further liability in respect of this decree, with costs of the garnishee proceedings borne by the Judgment Debtor.

**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

