



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYAMIRA
(CHERERE-J)**

HCCCMISC E062 OF 2022

**OUMA MAURICE OTIENO t/a O.M. OTIENO & COMPANY
ADVOCATES
APPLICANT/DECREEHOLDER
AND
AFRICAN MERCHANT ASSURANCE CO.LTD.....
.....J.DEBTOR
AND
SAFARICOM PLC
GARNISHEE**

RULING

1. The Court is seized of the Chamber Summons dated 11th December 2025 seeking that the Garnishee Order Nisi issued on 16th December 2025 against Safaricom PLC be made absolute in respect of monies held for the Judgment Debtor in M-Pesa Till Number 545400 and Account Number 4106404 to satisfy the decretal sum of KES. 257,717.
2. The application is supported by the affidavit of Ouma Maurice Otieno sworn on 11th December 2025. The record shows that judgment was delivered on April 2023 and a decree issued on 23rd February 2024 for KES. 150,969.36 together with interest at 14% per annum from 14th April 2022 until payment in full. The decretal sum remains unpaid.

3. The matter came up for hearing on 16th February 2026. Counsel for the Judgment Debtor attended court on that date but had not filed any response to the application as at the time of writing this ruling.
4. The Garnishee filed a Replying Affidavit sworn on 17th February 2026 by Cerere Kihoro confirming that M-Pesa Till Number 545400 and Account Number 4106404 are operated by the Judgment Debtor and that sufficient funds are available in M-Pesa Till Number 4106404 to satisfy the decree.
5. There being a valid and unsatisfied decree, admitted funds held by the Garnishee in M-Pesa Till Number 4106404, and no opposition placed before the Court, the threshold under Order 23 Rule 1 of the Civil Procedure Rules has been satisfied.
6. Accordingly, it is hereby ordered:
 - 1) The Garnishee Order Nisi issued on 16th December 2025 is hereby made absolute to the extent of funds held in M-Pesa Till Number 4106404.**
 - 2) Safaricom PLC shall forthwith pay to the Applicant the sum of KES 257,717, together with further interest at 14% per annum on the principal decretal sum of KES 150,969.36 from 16th December 2025, being the date of the**

Garnishee Order Nisi, until payment in full, such payment to be effected from funds held in M-Pesa Till Number 4106404.

3) The costs of the garnishee proceedings shall be borne by the Judgment Debtor.

4) Upon payment in full, the Garnishee shall stand discharged from further liability in respect of the said decree.

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