



**Ouma Maurice Otieno t/a OM Otieno & Company Advocates v African Merchant Assurance Company Limited; Safaricom Plc (Garnishee) (Civil Miscellaneous E041 of 2022) [2026] KEHC 4444 (KLR) (12 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4444 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CIVIL MISCELLANEOUS E041 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. The application dated 11<sup>th</sup> December 2025 seeks recourse against the Garnishee alleged to be holding funds belonging to the Judgment Debtor, in order to satisfy the outstanding decretal sum of KES 271,304.
2. On 16<sup>th</sup> December 2025, the Court granted a Garnishee Order Nisi attaching monies held by Safaricom PLC in Till Account Number 545400 and Account Number 41xxxxx, or any other M-Pesa account operated by the Judgment Debtor.
3. The Garnishee filed a Replying Affidavit sworn on 11<sup>th</sup> March 2026 by Stella Mutindi Mutua, a Senior Merchant Officer in the Enterprise Channels Department – M-PESA Services. In the said affidavit, the Garnishee confirmed that M-PESA Till Number 41xxxxx is held and operated by the Judgment Debtor and that the account is sufficiently funded to the extent of the decretal sum of KES. 271,304. The Judgment Debtor did not file any response.



4. Garnishee proceedings under Order 23 of the Civil Procedure Rules are designed to intercept debts owed to a judgment debtor and held by a garnishee. Once the interim order is issued and no sufficient cause is advanced against it, there would be no legal basis to withhold confirmation.
5. In the result, it is hereby ordered:
  1. The Garnishee Order Nisi issued on 16<sup>th</sup> December 2025 is therefore made absolute.
  2. The Garnishee, Safaricom PLC shall pay to the Decree Holder KES 271,304, together with further interest at 14% per annum on the principal decretal sum of KES 158,724 from 16th December 2025, being the date of the Garnishee Order Nisi, until payment in full, such payment to be effected from Till number 41xxxxx.
  3. The Decree holder is awarded costs of these proceedings
4. The Garnishee, Safaricom PLC, is awarded the costs of these garnishee proceedings, such costs being payable by the Decree Holder.
5. Upon payment of the decretal amount and accrued interest, the Garnishee shall stand discharged.

**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 & Co. Advocates

For the JD/Respondent – N/A

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

