



**Kiruki & Kayika Advocates v Monarch Insurance Company Limited;  
Kenya Commercial Bank Limited (Garnishee) (Miscellaneous Case  
E375 of 2023) [2025] KEHC 730 (KLR) (Civ) (30 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 730 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL**

**MISCELLANEOUS CASE E375 OF 2023**

**JN MULWA, J**

**JANUARY 30, 2025**

**BETWEEN**

**KIRUKI & KAYIKA ADVOCATES ..... PLAINTIFF**

**AND**

**THE MONARCH INSURANCE COMPANY LIMITED ..... DEFENDANT**

**AND**

**KENYA COMMERCIAL BANK LIMITED ..... GARNISHEE**

**RULING**

1. The Applicant has moved the court by the Notice of Motion dated 5<sup>th</sup> February 2024 made under Order 23 rules 1 and 2 , Order 51 Rules 1 and 3 of the Civil Procedure Rules 2010 seeking a garnishee order nisi against the garnishee, Kenya Commercial Bank, to attach any monies held by the garnishee in favor of the Judgment Debtor, The Monarch Insurance Company Limited Account number xxxxxxx held at the Garnishee’s Kimathi Street Branch in satisfaction of the decretal amount of Kshs.924,546.00 plus interest and costs.
2. The Applicant in its supporting affidavit sworn on 5th February 2024 deposes that there is a judgment entered against the judgment debtor in the sum of Kshs. 924,546/= plus interest and costs in the decree holder’s favour which remains unsettled.
3. The Applicant further deposes that to satisfy the decretal amount herein, the money should be attached as the Respondent may withdraw the said monies held by the garnishee hence making it impossible for the decree holder to execute the decree awarded by this Honourable Court.



4. The garnishee's manager, Isaac Mwangi in his replying affidavit to the application dated 5<sup>th</sup> February 2024 deponed that the aforesaid account number xxxxxxx indicates a ledger balance of Kshs.5,385,394.75/= with a net available balance of Kshs. (-negative) -7,896,502.69/= as at 14<sup>th</sup> March, 2024.
5. The garnishee's manager further deponed that the account number xxxxxx is subject to other court orders previously filed in other Courts as evidenced in the statement of account, annexed as exhibit totaling to Kshs.13,281,897.44. Additionally, the manager states that by virtue of the locked mounts as evidenced above, the garnishee is not in a position to comply with any court orders with respect to the said Judgment debtor's account number xxxxxxx.
6. Ms. Kimora while appearing in Court on 19<sup>th</sup> September 2024 submitted that the account sought to be attached had no money and that the account had negative balance of over Kshs.5,000,000/= and prayed that the garnishee be discharged.
7. In the premises, it is evident that the Garnishee is unable to comply with any orders the court may issue in respect of the Judgment Debtor's account aforestated.

Accordingly, the garnishee order nisi issued by this court on 8/2/2024 in respect of the garnishee is hereby discharged.

The Judgment debtor shall pay costs of this application to the garnishee, which shall be recovered from the Judgment Debtor's account.

Orders accordingly.

**DELIVERED, DATED AND SIGNED AT NAIROBI THIS 30<sup>TH</sup> DAY OF JANUARY 2025.**

**JANET MULWA**

**JUDGE**

