REPUBLIC OF KENYA

**IN THE ENVIRONMENTAL AND LAND COURT AT NAIROBI**

**CIVIL CASE NO………….OF 20…………..**

## AB..………………………………………….......………………………………………….…PLAINTIFF

#### -VERSUS-

**CD……………………………………………………………………………………………. DEFENDANTS**

**NOTICE OF MOTION**

*(Under sections 3A, 6, 1A and 1B of the Civil Procedure Act, CAP 21, Laws of Kenya, and Order 23 Rule 1 (4) & Rule 4 of the Civil Procedure Rules)*

**TAKE NOTICE** that this Honorable Court shall be moved on the………………… day of………………….20… at 9.00 o’clock in the forenoon or soon thereafter for the hearing of an Application by Counsel for the Defendants for **ORDERS**:-

1. **THAT** this Application be certified urgent, service dispensed with and heard exparte in the first instance;
2. **THAT** this Honourable Court be pleased to issue an **ORDER NISI** against the Garnishee directing that all money it holds in the Account No……………………… (Name of Bank) be attached in satisfaction of the decretal sum of Kshs. …………..together with garnishee costs of Kshs. ……………………thus making an aggregate sum of Kshs…….pending the hearing and determination of this Application;
3. **THAT** this Honourable Court be do issue an **ORDER ABSOLUTE** against the Garnishee directing that all money it holds in the Account No……………………… (Name of Bank) be attached in satisfaction of the decretal sum of Kshs. …………..together with garnishee costs of Kshs. ……………………;

**WHICH APPLICATION** is based on the following Grounds that:-

* 1. The Honourable Court on the …………..issued a Decree of Kshs………….and certificate of costs of Kshs…………………………………..;
	2. The Decree holder is also seeking for Garnishee costs of Kshs……..;
	3. The Decree Holder will continue to suffer prejudice if the if the orders sought herein are not granted.

**WHICH APPLICATION** is supported by the sworn affidavit of…………………………………. even date filed herewith in response and on further grounds to be adduced at the hearing hereof.

**DATED** at **NAIROBI** this **……………….**day of **…………………………………………….. 20**.

**.....................................................................................**

**CM ADVOCATES LLP**

**ADVOCATES FOR THE PLAINTIFF/APPLICANT**

**DRAWN & FILED BY:**

**CM ADVOCATES LLP**

I & M BANK HOUSE, 7TH FLOOR

2NDNGONG AVENUE

P.O. BOX 22588-00505

**NAIROBI.**

**EMAIL:** law@cmadvocates.com

**TEL:**

**TO BE SERVED UPON:**

DEFENDANTS

ADDRESS

***Note: if any party served does not appear at the time and place above mentioned such order will be made and proceedings taken as the court may think just and expedient.***

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## AB..………………………………………….......…………………………………….…PLAINTIFF

#### -VERSUS-

**CD…………………………………………………………………………………….DEFENDANTS**

**SUPPORTING AFFIDAVIT**

I…………………of P.O Box No…………….,…………do hereby make oath and state as follows;

* + - 1. **THAT** I am an Advocate of the High Court of Kenya practicing as such with the Firm of …………having the conduct of this matter on behalf of the plaintiff.
			2. **THAT** the Judgment Debtors have failed to satisfy the Decree of this Court issued on …………for Kshs……….together with costs of Kshs…..totaling to Kshs………
			3. **THAT** the Decree Holder is also seeking for Garnishee costs of Kshs…….
			4. **THAT** the Plaintiff is therefore seeking for an Order **NISI** and **ABSOLUTE** against the Garnishee directing that all money it holds in the Account No……,,………..Bank be attached in satisfaction of the decretal sum of Kshs………….together with Garnishee costs of Kshs………………thus making an aggregate total of Kshs…………..
			5. **THAT** I hereby annex and mark as XXX-1, copies of relevant documents I intend to rely on.
			6. **THAT**  what is deponed to herein is true to the best of my knowledge and information save as to matters deponed to on information sources whereof have been disclosed.

**SWORN** at Nairobi by the )

said **XXX** )

this day of 20….. )

**BEFORE ME** )……………………………………………..

 ) **DEPONENT**

 )

 )

**COMMISSIONER FOR OATHS** )

**DRAWN & FILED BY:**

**CM ADVOCATES LLP**

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**NAIROBI.**

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**TEL:** 0716209673

**TO BE SERVED UPON:-**

**DEFENDANTS**

ADDRESS

**GARNISHEE BANK**

ADDRESS