URUKIKO RWISUMBUYE RWA NYARUGENGE RURI KU KICARO CYARWO I NYARUGENGE, RUHABURANISHIRIZA IMANZA Z'IMBONEZAMUBANO MU RWEGO RWA MBERE, RUCIYE MU RUHAME URUBANZA RC 0808/15/TGI/NYGE KUWA 29/04/2016 KU BURYO BUKURIKIRA:

ABABURANYI:

MUTETERI Anne Marie, mwene KARENZI Charles na KAMARAHA Madeleine, wavutse kuwa 26/07/1961, umunyawandakazi ufite irangamuntu n° 1196170056914031 ya Gasabo, Kimihurura, akaba ahamagarwa binyujijwe k'Umuhagarariye mu mategeko, Me P. Célestin BUHURU, (**UREGA**).

BAREGA

MUSONERA Edouard, ubarizwa mu Mudugudu w'Amahoro, Akagali ka Nonko, Umurenge wa Nyarugunga, Akarere ka Kicukiro, Umujyi wa Kigali, **(UREGWA)**.

IKIREGERWA:

- Kugaruza ikibanza n° 1595, kiri muri Nyarugunga, Akarere ka Kicukiro, kirengeje miliyoni makumyabiri (20.000.000 Frws), MUSONERA Edouard yabonye mu buryo budakurikije amategeko.
- Gusesa amasezerano MUSONERA Edouard yagiranye n'abamugurishije, no kwemeza ko ikibanza cyandikwa kuri MUTETERI Anne Marie.
- Gutegeka MUSONERA Edouard gusubiza amafaranga yose MUTETERI Anne Marie azatanga mu ikurikirana ry'uru rubanza ari yo: Ticket y'indege ava mu Bwongereza aza gutanga ikrego ihwanye na 1400

USD, n'indishyi z'akababaro n'izo gukurikirana urubanza zihwanye na miliyoni ebyiri (2.000.000 Frws).

I: IMITERERE Y'URUBANZA.

[1.] Nk'uko bikubiye mu myanzuro yashyikirijwe Urukiko, MUTETERI Anne Marie yaguze ikibanza na MUHIRE Edouard, aza kujya mu mahanga atacyubatse. Yaje kubwirwa ko NIZEYIMANA Léonidas arimo kubaka mu kibanza cye, ava I Burayi azanywe no guhagarikisha ibikorwa bikorerwa mu kibanza cye, ubuyobozi bw'Akagali ka Nonko bwandikira NIZEYIMANA Léonidas bumusaba guhagarika ibyo bikorwa, aho kugirango abihagarike aza kubigurisha kuko urimo yubaka ubu ari MUSONERA Edouard. Akomeza asobanura ko muri dosiye y'Akarere NZEYIMANA Léonard yagurishijwe n'uwitwa MUREBWAYIRE Josiane, ahagarariwe na NYIRARUKUNDO Rose. Uhagarariye MUTETERI yifuje ko abagurishije ubutaka MUSONERA Edouard bagobokeshwa mu rubanza. Yasabye Urukiko kwemeza ko ikibanza kiburanwa gisubizwa urega, amasezerano yose yakozwe nyuma y'ubugure bwa MUETERI Anne Marie agaseswa, hagatangwa indishyi nk'uko zasabwe.

[2.] MUSONERA Edouard we asobanura ko ikibanza MUTETERI Anne Marie aregera ari icye kuko yakiguze mu buryo bukurikije amategeko, kandi akakigura na nyiracyo kuko icya ngombwa cy'ubutaka ari cyo kigaragaza nyirabwo, kandi icyo cya ngombwa ari cyo cyahereweho hakorwa mutation, MUSONERA Edpuard akandikwaho ubutaka, bityo amasezerano y'ubugure bwa MUSONERA Edouard akaba atagomba guseswa.

[3.] Ibibazo bigomba gusuzumwa muri uru rubanza ni ibyerekeranye no kumenya niba MUTETERI Anne Marie afite inyungu zo kugobokesha abagurishije ikibanza MUSONERA Edouard, kumenya agaciro amasezerano yakozwe ku kibanza kiburanwa yahabwa, n'ingaruka z'ayo masezerano yose yakozwe.

II: IBIBAZO BIGIZE URUBANZA N'ISESENGURWA RYABYO:

I. Ibyerekeranye no kumenya niba MUTETERI Anne Marie afite inyungu zo kugobokesha abagurishije ikibanza MUSONERA Edouard.

[4.] Me BUHURU P. Célestin uhagarariye MUTETERI Anne Marie, yifuje ko abagurishije ubutaka bugizwe n'iikbanza MUSONERA Edouard bagobokeshwa mu rubanza.

[5.] Me HORANIMANA Jeanne d'Arc wunganira MUSONERA Edouard we asobanura ko ku byerekeranye n'inzitizi yo kugobekesha abo baguze asanga atari ngombwa nta nyungu babifitemo, ko biteguye kwirengera ikizava mu rubanza.

[6.] Ingingo ya 114 y'itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ibiciruzi, iz'umurimo n'iz'ubutegetso kugoboka cyangwa kugobokeshwa mu rubanza bikorwa mu gihe bigaragara ko ubisaba n'ugobokesha bafite inyungu mu rubanza bakaba bashobora kututambamira.

[7.] Urukiko rurasanga inzitizi yo kugobokesha abaguze na MUSONERA Edouard yabyukjwe na Me BUHURU P. Célestin uhagarariye MUTETERI Anne Marie nta shingiro ifite kubera ko nta nyungu Urukiko rusanga afitemo kuko nta masezerano bagiranye, kandi abo bayagiranye bakaba bavuga ko nta nyungo babifitemo.

[8.] Rurasanga kandi atri ngombwa kubagobokesha mu rubanza kubera ko Musonera Edouard bagurishije we atemera kubagobokesha ahubwo agasobanura ko yiteguye kwirengera ibizava mu rubanza MUTETERI Anne Marie abarega mu gihe bazaba baburanye nawe abo baguze batagobokeshejwe mu rubanza.

II. Ibyerekeranye n'agaciro kahabwa amasezerano y'ubugure yakozwe ku kibanza kiburanwa yahabwa.

[9.] Me BUHURU P. Célestin uhagarariye MUTETERI Anne Marie, amasezerano y'ubugure bw'ikibanza yakozwe ku kibanza kiburanwa, nyuma yuko MUREKATETE Anne Marie akigura aseswa, kikamwandikwaho.

[10.] Me HORANIMANA Jeanne d'Arc wunganira MUSONERA Edouard we asobanura ko ikibanza MUETERI Anne Marie aregera ari icye ndetse yamaze kukiyandikishaho.

[11.] Ingingo ya 276 y'Itegeko ryo muwa 1888 rishyiraho igitabo cya gatatu cy'urwunge rw'amategeko mbonezamubano iteganya ko igurishwa ry'ikindu cy'undi ari impabusa, kandi rikaba rishobora gutangirwa indishyi iyo umuguzi atigeze amenya ko icyo kintu ari icy'undi.

[12.] Impande zose ziburana ntizihakana ko ikibanza kiburanwa gikomoka kuri MUHIRE Edouard wagurishije MUTETERI Anne Marie, kandi ntibahakana ko hari amasezerano yakozwe hagati ya MUTETERI Anne Marie na MUHIRE Edouard. Ikindi kandi MUHIRE Edouard ntahakana ko yaguze na MUTETERI Anne Marie ikibanza kiburanwa. Kubw'ibyo hashingiwe ku ngingo ya 64 y'itegeko rigenga amasezerano iteganya ko amasezerano akozwe mu buryo bukurikije amategeko aba itegeko hagati y'abayagiranye, bityo ikibanza kiburanwa kikaba ari icya MUTETERI Dianne kuva ayo masezerano yasinywa.

[13.] Ku byerekeranye n'andi masezerano yakozwe nyuma y'ayo, Urukiko rurasanga nta gaciro yahabwa ahubwo agomba guseswa hashingiwe ku ngingo ya 276 y'itegeko ryo muwa 1888 kubera ko nta masezerano n'amwe bagaragariza Urukiko akura ikibanza mu maboko ya MUTETERI Anne Marie agishyira mu maboko ya Nizeyimana Léonidas, Ubuyobozi bw'Akagali ka NONKO bwategetse guhagarika imirimo y'ubwubatsi, akanitaba ubwo

buyobozi, ahubwo agahitamo kugurisha ikibanza abandi kandi ikibanza atari icye ubwe. Ku bindi MUSONERA Edouard yireguza bikaba nta shingiro byahabwa hashingiwe ku ngingo ya 9 y'itegeko n°21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi kubera ko nta bimenyetso babigaragariza.

[14.] Kubw'ibyo byose bimaze gusobanurwa, Urukiko rukaba rusanga ubugure bwose bwakozwe ku kibanza kiburanwa nta shingiro bwahabwa ahubwo ufite ishingiro ari ubwakozwe hagati ya MUTETERI Anne Marie na MUHIRE Edouard.

III. Ibyerekeranye no kumenya ingaruka z'amasezerano yose yakozwe ku kibanza kiburanwa.

[15.] Me BUHURU P. Célestin uhagarariye MUTETERI Anne Marie, yasabye Urukiko kwemeza ko ikibanza kiburanwa gisubizwa urega ari we MUETERI Anne Marie, amasezerano yose yakozwe nyuma y'ubugure bwa MUETERI Anne Marie agaseswa, ikibanza kikamwandikwaho, hagatangwa indishyi nk'uko zasabwe.

[16.] Me HORANIMANA Jeanne d'Arc wunganira MUSONERA Edouard we asobanura ko ikibanza MUETERI Anne Marie aregera ari icye ndetse yamaze kukiyandikishaho.

[17.] Urukiko rurasanga kuba ikibanza kiburanwa cyaragurishijwe n'abatari ba nyiracyo kandi amasezerano y'ubgure bukozwe n'utari nyiri ikigurishwa akaba ari imfabusa, ikibanza kiburanwa ari icya MUTETERI Anne Marie. Bityo rukaba rusanga rugomba no gusuzuma n'ibyerekeranye no kwandika ubutaka kuri MUTETERI Anne Marie hateshwa agaciro ibya ngomwa byabwanditse kuri MUSONERA Edouard.

[18.] Urukiko rero rurasanga, ibya ngombwa byanditswe ku bantu bose batari MUHIRE Edouard bigomba guteshawa agaciro, maze umutungo uboneka muri parcelle 1595 wanditswe kuri MUSONERA Edouard

ukandikwa kuri MUTETERI Anne Marie. Umurongo nk'uyu ukaba waremejwe n'Urukiko rw'ikirenga mu rubanza RCCA 0015/09/CS rwaciwe kuwa 29/04/2011, no mu rubanza RCAA 0018/13/CS rwaciwe kuwa 24/12/2014.

[19.] Urukiko rukaba rusanga kandi nk'uko biteganywa n'ingingo ya 258 y'itegeko ryavuzwe haruguru MUTETERI Anne Marie agomba guhabwa indishyi zose hamwe zingana na miliyoni imwe n'igice (1.500.000 Frws) kubera gushorwa mu manza hakubiyemo n'igihemo cya avocat.

IV. ICYEMEZO CY'URUKIKO:

URUKIKO:

[20.] RWEMEJE ko ikirego cya MUTETERI Anne Marie gifite ishingiro mu ngingo zacyo zose.

[21.] RWEMEJE ko inzitizi yo kugobokesha abagurishije MUSONERA Edouard nta shingiro ifite kuko uwayibyukije nta nyungu afite.

[22.] RWEMEJE kandi RUTEGETSE ko amasezerano y'ubugure bw'ikibanza n° 1595 yakozwe hagati ya MUTETERI Anne Marie ari yo afite agaciro, naho ayandi yose yakozwe nyuma akaba asheshwe.

[23.] RWEMEJE kandi RUTEGETSE ko amasezerano y'ubugure ya MUSONERA Edouard yakozwe ku kibanza 1595 ateshejwe agaciro, kimwe n'ibya ngombwa byose byatanzwe kuri uwo mutungo.

[24.] RUTEGETSE MUSONERA Edouard kwishyura MUTETERI Anne Marie ndishyi zihwanye na miliyoni imwe n'ibihumbi maganatanu (1.500.000 Frws).

[25.] RUTEGETSE MUSONERA Edouard kwishyura MUTETERI Anne Marie amafaranga ibihumbi mirongwitanu (50.000 Frws) yatanzeho ingwate y'amagarama arega, akayamwishyura mu gihe cy'iminsi umunane kuva urubanza rubaye ndakuka, atabikora agakurwa mu mutungo we ku ngufu za Leta.

NI UKO RUKIJIJWE KANDI RUSOMEWE MU RUHAME KUWA 29/04/2016.

/SE/	**/SE/**
MUSHIMIYIMANA Sylvie	SHUMBUSHO Abraham
GREFFIER.	**PRESIDENT**

Iyi nyandiko ihuye n'inyandiko
y'umwimerere y'urubanza
Itanzwe none kuwa.....

Umwanditsi w'Urukiko.....