URUKIKO RWISUMBUYE RWA NYARUGENGE RURI KU CYICARO CYARWO I NYARUGENGE, RUBURANISHA IMANZA Z'IMBONEZAMUBANO KU RWEGO RWA MBERE, RUCIYE URUBANZA RC0710/15/TGI/NYGE MU BURYO BUKURIKIRA NONE KU WA 28/01/2016.

HABURANA

ABAREGA :

Niyigena Roissa uhagarariye bene Twagirumukiza Barnabe na Bamurange : Niyigena Roissa na Sangwa Mukiza Sarton, utuye mu mudugudu w'Umutako, akagari ka Kibaza, umurenge wa kacyiru, umurenge wa kacyiru, akarere ka Gasabo, umujyi wa Kigali, wavutse mu 1992, bahagarariwe na Me Mukashema Marie Louise.

UREGWA:

Nzabahimana Frederic utuye mu kagari ka Kiyovu, umurenge wa Nyarugenge, akarere ka Nyarugenge, ahagarariwe na Ndayishimiye Jean Paul.

IKIBURANWA:

-Isambu ifite ikibanza N°73 ibarizwa mu murenge wa Gikondo, akagari ka Kagunga, ikaba irimo inzu.

URUKIKO

I. IMITERERE Y'URUBANZA

[1] Niyigena Raissa yihagarariye anahagarariye umuvandimwe we Sangwa Mukiza Sarton yareze Nzabahimana Frederic ko yatwaye isambu y'umubyeyi wabo Twagirumukiza Barnabe ubwo yaramaze kwitaba imana mu 1994, bakiri abana, akavuga ko iyo sambu yagurishijwe n'abantu atamenye. Niyigena asobanura ko Nzabahimana yibarujeho iyo sambu, anayubakamo inzu.

[2] Nzabahimana yiregura asaba ko ikirego kitakirwa kubera ko urukiko nta bubasha rufite kuko haregerwa isambu, akanavuga ko kandi ikirego kitakwakirwa kubera iburabubasha bw'urega, agasaba indishyi zikubiyemo igihembo cy'avoka n'ikurikiranarubanza.

[3] Muri uru rubanza harasuzumwa niba ikirego cyakwakirwa, hasuzumwa ikibazo kijyanye n'ububasha bw'urukiko, urukiko rwaba rufite ububasha,

hagasuzumwa niba urega afite ububasha bwo kurega, niba ikirego kitakiriwe hasuzumwe ikibazo cy'indishyi zisabwa n'uregwa.

II. ***ISESENGURA RY'IBIBAZO BIRI MU RUBANZA***

1. Ku kibazo kijyanye n'iyakirwa ry'ikirego.

A. Ku kibazo kijyanye n'ububasha bw'urukiko.

[4] Me Ndayishimiye avuga ko urukiko nta bubasha rufite kubera ko haburanwa isambu ashingiye ku ngingo ya 89 y'itegeko N°21/2012 ryo ku wa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi na 67 y'itegeko ngenga N°51/2008 ryo ku wa 09/09/2008 rigena imitere, imikorere n'ububasha by'inkiko, ikaba iburanishwa ku rwego rwa mbere n'urukiko rw'Ibanze rwa Kagarama kubera ko iri mu murenge wa Gikondo. .

[5] Me Mukashema avuga ko haregewe urukiko Rwisumbuye hakurikijwe agaciro k'ikiburanwa hakoreshejwe amaso, ko bashingiye ku gaciro k'ikibanza babona inzu irimo ifite agaciro ka 10.000.000frw. Ikindi kandi Me Mukashema avuga ko baregeye Urukiko Rwisumbuye bashingiye ku nkomoko y'umutungo, kuko uwufite avuga ko yahawe n'umujyi wa Kigali, akaba asanga hagobokeshwa umujyi wa Kigali, kandi ukaba utagobokeshwa mu Rukiko rw'Ibanze.

[6] Uukiko rusanga ingingo ya 67,2° y'itegeko ngenga N°51/2008 ryavuzwe haruguru iteganya ko : « **inkiko z'ibanze ziburanisha ku rwego rwa mbere imanza zerekeye umutungo w'ubutaka n'amatungo n'izungura kuri ibyo bintu** » Muri iyi ngingo umushingamategeko yarateganije ko imanza zose zerekeye umutungo w'ubutaka zizaburanishwa n'inkiko z'ibanze ku rwego rwa mbere, hatitawe ku gaciro kabwo.

[7] Urukiko rusanga hakurikijwe ingingo ya 67, 2° y'itegeko ngenga N°51/2008 ryavuzwe haruguru ikirego cya Niyigena Raissa yihagarariye anahagarariye umuvandimwe we Sangwa Mukiza Sarton kitakiriwe ngo gisuzumwe kubera ko nta bubasha urukiko rufite kuko haregerwa isambu. N'aho ibyo Me Mukashema avuga ko baregeye urukiko Rwisumbuye kubera ko bapimishije amaso basanga inzu irimo ifite agaciro ka 10.000.000frw nta shingiro bifite kuko umushingamategeko ateganya ko umutungo w'ubutaka uzajya uburanishwa ku rwego rwa mbere n'Urukiko rw'Ibanze atigeze ateganya ko hazarebwa agaciro k'ubutaka, kandi n'ibyo avuga ko bamaze kubona inkomoko y'umutungo basanze hagobokeshwa umujyi wa Kigali kuko basanze ari wo watanze ahaburanwa nta shingiro bifite kuko

ugobokeshwa atari we ugaragaza ububasha bw'urukiko ahubwo hagobokeshwa uwo bagamije gutsindira hamwe n'uregwa.

2. ***Ku kibazo kijyanye n'indishyi***.

[8] Me Ndayishimiye avuga ko mu gihe ikirego kitakwakirwa, uregwa yagenerwa indishyi zingana na miriyoni imwe (1.000.000frw) akubiyemo igihembo cy'avoka kingana na 500.000frw n'amafaranga y'ikurikiranarubanza angana na 500.000frw, akavuga ko uregwa yagize akababaro yatewe n'urubanza no kurukurikirana.

[9] Me Mukashema akavuga ko indishyi zisabwa ari nyinshi kuko nta bimenyetso zatangiwe.

[10] Urukiko rusanga hakurikijwe ingingo ya 258 y'itegeko ryo ku wa 30 nyakanga 1888 rishyiraho urwunge rw'amategeko y'imbonezamubano [igitabo cya mbere] ibyerekeye imirimo nshinganwa cyangwa amasezerano n'ingingo ya 26 y'amabwiriza N°01/2014 agenga ibihembo mbonera by'abavoka yo ku wa 18/07/2014 Niyigena Raissa na Sangwa Mukiza Sarton barafatanya guha Nzabahimana Frederic amafaranga ibihumbi managa atanu (500.000frw) y'igihembo cy'avoka kuko rubona akwiye n'amafaranga ibihumbi ijana (100.000frw) y'ikurikiranarubanza kuko ayo asaba rusanga ari ikirenga, yose hamwe akaba amafaranga ibihumb magana atandatu (600.000frw).

III.ICYEMEZO CY'URUKIKO

[11] Rwemeje ko rudafite ububasha bityo ikiregi kitakiriwe.

[12] Rutegetse Niyigena Raissa na Sangwa Mukiza Sarton gufatanya guha Nzabahimana Frederic amafaranga ibihumbi magana atandatu (600.000frw) akubiyemo igihembo cy'avoka n'ikurikiranarubanza.

[13] Rutegetse ko amafaranga ibihumbi mirongo itanu (50.000frw) ahwanye n'ibyakozwe mu rubanza aherera ku isanduku ya Leta kubera ko abarega batishoboye.

NI UKO RUCIWE KANDI RUSOMEWE MU RUHAME NONE KUWA 28/01/2016.

SE	SE
MUKAGASANA Marciana	NDATIMANA Narcisse
UMUCAMANZA	**UMWANDITSI**