URUKIKO RWISUMBUYE RWA NYARUGENGE RURI KU CYICARO CYARWO I NYARUGENGE, RUBURANISHA IMANZA Z'IMBONEZAMUBANO KU RWEGO RWA MBERE, RUCIYE URUBANZA RC 00309/2017/TGI/NYGE MU BURYO BUKURIKIRA NONE KUWA 24/01/2018.

HABURANA

UREGA :

MUKARINDIRO Libératha mwene MUJYAMBERE Cyprien na YANKURIJE Laurence utuye mu mudugudu wa Taba, akagari ka Karugira, umurenge wa Kigarama, akarere ka Kicukiro, umujyi wa Kigali.

ABAREGWA:

1. MUTUMBI Antoine utuye mu mudugudu wa Gakokobe, akagari ka Bwerankori, umurenge wa Kigarama, akarere ka Kicukiro, umujyi wa Kigali.

2. ANAKOMBE Catherine utuye mu mudugudu wa Gakokobe, akagari ka Bwerankori, umurenge wa Kigarama, akarere ka Kicukiro, umujyi wa Kigali.

IKIBURANWA:

Gusaba Urukiko kwemeza ko ikibanza cyanditse kuri UPI 1/03/07/01/81 cyandikwa kuri MUKARINDIRO Libératha wakiguze.

URUKIKO

I. **IMITERERE Y'URUBANZA**

[1] MUKARINDIRO Libératha yareze MUTUMBI Antoine na ANAKOMBE Catherine asaba ko ikibanza cyanditse kuri UPI 1/03/07/01/81 kimwandikwaho. MUKARINDIRO Libératha asobanura ko kuwa 24/02/2015, yaguze ibibanza 2 bifatanye kimwe kibaruwe kuri UPI 1/03/07/01/81 ikindi kitarabarurwa na MUTUMBI Antoine n'umufasha we ANOKOMBE Catherine ku mafaranga miliyoni esheshatu (6.000.000 Frw), ahita yishyura 1.000.000 Frw bumvikana ko asigaye azatangwa ibyangombwa byose bibonetese nk'uko bigaragazwa n'amasezerano bagiranye, kuwa 22/04/2015 yongeye kwishyura andi mafaranga angana na 1.500.000 Frw ku yari yasigaye nk'uko bigaragazwa na décharge yakozwe kuri iyo tariki, kuwa 15/09/2015 MUTUMBI Antoine n'umufasha we bamuzanira icyangombwa cya burundu cyanditseho cya kibanza UPI 1/03/07/01/81 baramaze kugifatanya n'ikindi kitari kikanditswe maze nawe abaha 3.500.000 Frw yari asigaye. MUKARINDIRO akomeza avuga ko nyuma rero yo kwishyurwa amafaranga yose, hashize igihe gito cyane ahamagaragara MUTUMBI Antoine ngo bajye guhinduza (Mutation) aramubura, akomeza gushakisha ahantu hose hashoboka kugirango areba

niba yaba yarimukiye ahandi ariko aramubura, nyuma yumva ko abo yaguze nabo bakimara kubona amafaranga bisubiriye aho bakomoka muri CONGO nk'uko bigaragazwa n'icyemezo cyo kuwa 07/02/2017 cyakozwe n'ubuyobozi bw'inzego z'ibanze z'umudugudu w'Amajyambere n'akagari k'Agatere MUTUMBI Antoine n'umuryango we bari batuyemo.

[2] Ku munsi w'inama ntegurarubaza, MUTUMBI Antoine na ANAKOMBE Catherine ntibitabye, hemezwa ko bahamagazwa ahatazwi, ku munsi w'iburanisha ntibitaba, baburanishwa badahari hashingiwe ku ngingo ya 59 y'itegeko N°21/2012 ryo ku wa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi.

[3] Muri uru rubanza haragaragazwa niba ikibanza UPI 1/03/07/01/81 cyanditse kuri MUTUMBI Antoine na ANAKOMBE Catherine cyakwandikwa kuri MUKARINDIRO Libératha.

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

1. ***Ku kibazo cyo kumenya niba ikibanza UPI 1/03/07/01/81 cyanditse kuri MUTUMBI Antoine na ANAKOMBE Catherine cyakwandikwa kuri MUKARINDIRO Libératha.***

[4] Mu mwanzuro, MUKARINDIRO Libératha asobanura ko Urukiko rwazashingira ku masezerano y'ubugure yakozwe kuwa 24/02/2015, décharge yatangiweho amafaranga 1.000.000 Frw yo kuwa 25/02/2015, décharge yo kuwa 22/04/2015 yishyuriweho amafaranga ya tranche ya 2 angana na 1500.000 Frw, amasezerano y'ubukode burambye, icyemezo cy'iyandikisha ry'ubukode bw'igihe kirekire na extrait ya Plan Cadastral byose by'ikibanza cyanditse kuri UPI 1/03/07/01/81 by'umwimerere MUTUMBI Antoine na ANOKOMBE Catherine bahaye MUKARINDIRO Libératha kuwa 15/09/2015 nyuma yo kwishyurwa amafaranga 3.500.000 Frw yari asigaye. MUKARINDIRO akomeza asobanura ko yakomeje gushaka abamugurishije abasaba ko bajya gukora ihinduranya ariko bagakomeza guterera agati mu ryinyo, ariyo mpamvu asaba ko Urukiko rwategeka ko icyo kibanza cyandikwa ku wa kiguze, ko mu bimenyetso kandi bizashingirwaho harimo na bordereau yishyuriyeho umusoro w'icyo kibanza w'umwaka wa 2015 yishyuwe kuwa 26/01/2016 n'iy'umwaka wa 2016 yishyuwe kuwa 20/12/2016, na kopi y'ikarita z'ubuhunzi zatanzwe n'abagurishije.

[5] Mu iburanisha, Me NKUBAYINGOGA Samuel asobanura ko ibyo bibanza byombi byaje gufatanywa, basaba ko byandikwa kuri nomero imwe nyuma yo kugura, ko ibyo bibanza byose bimaze gufatanywa ariho umuguzi yahise yishyura amafaranga yose bahita bamuha icyangombwa. Me NKUBAYINGOGA akomeza avuga ko ubugure butakorewe kwa notaire kuko ubusanzwe umuntu agura, akazajya kwa notaire nyuma, ariko ko nyuma yo kugura, abagurishije bahise bajya iwabo muri Congo, MUKARINDIRO abashatse ngo bamukorere mutation arababura kandi ubugure buba bwuzuye iyo ugura n'ugurisha bumvikanye ku giciro cy'ikigurwa, bakaba barahise bamuha n'icyangombwa cy'ikigurwa, asaba ko urukiko rwamuha uburenganzira bwo gukorerwa mutation kuko yaguze mu buryo bukurikije amategeko.

[6] Urukiko rusanga ingingo ya 3 y'itegeko N°12/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ibyo MUKARINDIRO Libératha asaba ko yandikweho ikibanza UPI 1/03/07/01/81 cyanditse kuri MUTUMBI Antoine na ANOKOMBE Catherine, bifite ishingiro kuko agaragaza ko yakiguze na MUTUMBI Antoine na ANOKOMBE Catherine nk'uko bigaragazwa n'amasezerano y'ubugure bagiranye ku wa 24/02/2015 kandi amasezerano aba itegeko hagati y'abagiranye hashingiwe ku ngingo ya 64 y'itegeko N°45/2011 ryo ku wa 25/11/2011 rigena amasezerano, akaba yarishyuye ikiguzi cyose nk'uko bigaragazwa n'inyandiko zakozwe kuwa 25/02/2015, iyo kuwa 22/04/2015 n'iyo kuwa 15/09/2015 kandi akaba yaraguze na ba nyiri umutungo nk'uko bigaragazwa n'ibyangombwa by'ikibanza yagaraje muri dosiye, byongeye kandi abagurishije bari bafite inshingano zo gutanga icyagurishijwe bakora mutation hashingiwe ku ngingo ya 281 na 282 z'igitabo cya gatatu cy'urwunge rw'amategeko mbonezamubano.

III. **ICYEMEZO CY'URUKIKO**

[7] Rwemeye kwakira ikirego cya MUKARINDIRO Libératha, rugisuzumye, rusanga gifite ishingiro.

[8] Rwemeje ko MUKARINDIRO Libératha yakwandikwaho ikibanza UPI 1/03/07/01/81cyari yanditse kuri MUTUMBI Antoine na ANOKOMBE Catherine.

[9] Rutegetse MUTUMBI Antoine na ANOKOMBE Catherine gufatanya gusubiza MUKARINDIRO Libératha amafaranga ibihumbi mirongo itanu (50.000frw) yatanzeho ingwate y'amagarama arega, buri wese agatanga amafaranga ibihumbi makumyabiri na bitanu (25.000frw).

NI UKO RUCIWE KANDI RUSOMEWE MU RUHAME NONE KUWA 24/01/2018.

INTEKO

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