MBANDA v MUKAMUSANA

[Rwanda URUKIKO RW'UBUJURIRE – RS/INJUST/RCOM 00001/2019/CA (Mukandamage, P.J., Munyangeri na Ngagi, J.) 12 Kamena 2020]

Amategeko agenga imanza z'ubucuruzi – Amasezerano – Amasezerano y'ubukode bw'inzu – Gusesa amasezerano y'ubukode bw'inzu hashingiwe kutishyurira igihe – Nta mpamvu nimwe iba ihari ihagije ko ukodesha inzu ashobora gusesa amasezerano y'ubukode bw'inzu ye mu gihe aba atarihanangirije ukodesha kandi no mu mikoranire y'ukodesha n'ukodeshwa biba bigaragara ko bagiye barangwa no kumvikana ku itariki ukodesha azishyurira kandi akayubahiriza.

Amategeko agenga imanza z'ubucuruzi – Amasezerano – Amasezerano y'ubukode bw'inzu – Ibyongewe ku nzu ikodeshwa n'ukodeshwa – Iyo ukodesha agize inyubako yongera kuyo yakodeshaga nyiri nzu akicecekera ntasabe ko zinasenywa bifatwa ko yemeye ko zihubaka – Iyo nyiri nzu asheshe amasezerano ntasabe ko uwazubatse azisenya, bigaragaza ko biba bimufitiye inyungu – Ntashobora kuzigumana ntacyo yishyuye ukodesha wazishyize mu kibanza cye.

Amategeko agenga imanza z'ubucuruzi – Amasezerano – Amasezerano y'ubukode bw'inzu – Indishyi ku ruhande rwarenganyijwe – Igihombo gitewe no kutubahiriza amasezerano – Iyo umuburanyi yaciwe indishyi inshuro ebyiri ku mpamvu imwe kandi akazishyura, iyo agaragaje akarengane yatwe n'urubanza rwayamuciye, ayasubizwa n'umuburanyi yari yayishyuye – Iyo kandi ukodesha yasheshe amasezerano mu byuryo budakurikije amategeko bikagira inguruka kuwari wakodesheje n'uwakodeshaga (sous locataire), indishyi asabye mu rubanza ntizishyurwa n'uwo bagiranye amasezerano ahubwo zishyurwa na nyrinzu kuko niwe uba wateje ikosa.

Incamake y'ikibazo: Mbanda yagiranye amasezerano y'ubukode bw'inzu y'ubucuruzi na Mukamusana yagombaga kumara imyaka itanu (5). Mu gihe amasezerano yari amaze hafi umwaka n'igice, Mbanda yandikiye Mukamusana amumenyesha ko ayasheshe kubera ko atishyura neza.

Mukamusana yaregeye Urukiko rw'ubucuruzi rwa Musanze asaba ko Mbanda yamwishyura indishyi zo gusesa amasezerano mu buryo bunyuranyije n'amategeko.

Urukiko rwemeje ko ikirego cye gifite ishingiro kuko rwasanze nta birarane by'ubukode abereyemo Mbanda maze rumugenera indishyi zingana na 8.760.000 Frw y'ibikorwa yashyize ku nzu, indishyi za 1.000.000 frw, amafaranga y'ikurikiranarubanza n'igihembo cya Avocat. Urukiko kandi rwamugeneye 8.000.000 frw y'inyungu yari kuzabona mu gihe cy'ubukode busigaye.

Impande zombi zajuririye Urukiko Rukuru rw'Ubucuruzi, aho Mbanda yavuaga ko nta ndishyi yari gucibwa kuko Mukamusana ariwe wishe amasezerano. Mukamusana we yavuze urukiko ku rwego rwa mbere rwamugeneye indishyi za 8.000.000 frw rudasesenguye "etat financier" ye. Mu rubanza kandi uwitwa Runanaira warugobotsemo nawe yasabye guhabwa indishyi kuko yakodeshaga na Mukamusana kandi amasezerano akaba yarasheshwe bimugiraho ingaruka.

Urukiko Rukuru rw'Ubucuruzi rwemeje ko ubujurire bwa Mukamusana bufite ishingiro rumugenera indishyi za 10.000.000 frw y'inyungu zari kuva mu bucuruzi bwe ziyongera kuri 8.000.000 frw yari yagenewe ku rwego rwa mbere. Urukiko kandi rwategetse Mbanda kwishyura Runanira indishyi zingana na 1.000.000 fw hamwe na 2.227.000 Frw y'amazi n'amashanyarazi yashyize mu nzu, igihembo cya Avocat n'amafaranga y'ikurikiranarubanza.

Mbanda yasubirishijemo urubanza ku mpamvu z'akarengane maze ruburanishwa n'Urukiko rw'Ubujurire. Mu mpamvu yatanze yavugaga ko yasheshe amasezerano mu buryo bukurikije amategeko kuko Mukamusana atishyuraga neza ubukode. Yongeye avuga ko atari gutekekwa kwishyura amafaranga y'inyubako Mukamusana yubatse mu kibanza cye. Yarongeye kandi asaba ko yasubizwa amafaranga yo kurangiza urubanza yari yaratsinzwe kuko abona ari akarengane yagiriwe.

Mukamusana yireguye avuga ko ibimenyetso byashyikirije inkiko byagaragaza ko nta birarane abereyemo Mukamusana, kandi ko naho yarenzaga itariki yo kwishyuriraho yabaga yabyumvikanyeho na Mbanda kandi akubahiriza iyo tariki bumvikanye. Kubijyanye n'inyubako yubatse mu kibanza cya Mbanda yireguye avuga ko babaga babivuganye ngo kuko ngo ibyo yakoraga byababaga biri mu nyungu za Mbanda kandi bikamwinjiriza amafaranga.

Ku ngingo yo gusubizwa amafaranga yo kurangiza urubanza, Mukamusana yireguye avuga ko atayatanga kuko Urukiko Rukuru rw'Ubucuruzi rwayamugeneye rumaze gusuzuma igihombo yari kugira mu bucuruzi bwe nk'uko yabigaragaje.

Mu rubanza kandi Runanaira wari wararugobotsemo mbere yasabye ko yahabwa na Mbanda indishyi zo gukomeza kumushora mu manza. Mbanda nawe yireguye avuga ko yabanza agasubizwa amafaranga yahaye Runanira harangizwa urubanza rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ibindi bigasuzumwa nyuma.

Incamake y'icyemezo: 1. Amasezerano hagati y'ukodesha nukodeshwa ntiyari guseswa kuko ukodesha yagaragarije urundi ruhande inzitizi yagize narwo ntirwabihakana. Bityo, kuba ukodesha aterekana ko mbere y'uko asesa amasezerano hari aho yihanangirije ukodeshwa ko agomba kubahiriza inshingano yo kwishyura ku itariki bavuganye, ibyo bitafatwa nko kwica amasezerano kuko igihe ukodesha yabaga arengeje gato itariki bumvikanye mu masezerano, yagaragarizaga ukodesha ingorane yagize, ibyo bigaragaza imikorere myiza yemerwa ku bagiranye amasezerano. Bityo, Mbanda akaba yarasheshe amasezerano y'ubukode bw'inzu yagiranye na Mukamusana mu buryo budakurikije amategeko.

2. Iyo nyirinzu abonye inyubako zishyirwa mu kibanza cye akicecekera ntasabe uwo akodesha kuzikuraho cyangwa ngo agaragaze ko hari aho yabimureze, ahubwo akareka agakomeza kuzikoreramo ndetse n'igihe asheshe amasezerano ntamusabe kuzisenyakuzubaka mu kibanza cye ntacyo biba bimwangirije ahubwo aba abona bimufitiye inyungu. Bityo, Mbanda ntiyari kugumana inyubako ntacyo yishyuye Mukamusana wazishyize mu kibanza cye.

3. Mu gihe urukiko rw'ubujurire rusuzumye rugasanga rwagumishaho indishyi zari zagenenwe ku rwego rwa mbere rukazigumishaho, ntirwakongera kugena izindi rutaragaragaje icyo rwashingiyeho kandi zishingiye ku mpamvu imwe. Iyo kandi ukodesha yasheshe amasezerano mu byuryo budakurikije amategeko bikagira inguruka kuwari wakodesheje n'uwakodeshaga (sous locataire), indishyi asabye mu rubanza ntizishyurwa n'uwo bagiranye amasezerano ahubwo zishyurwa na nyrinzu kuko niwe uba wateje ikosa.

Bityo Mukamusana akaba agomba kusubiza Mbanda 10.000.000 Frw yagenewe n'Urukiko Rukuru rw'Ubucuruzi, ariko nanone Mbanda akishyura Runanira amafaranga yemejwe n'Urukiko Rukuru rw'Ubucuruzi.

Ikirego cyo gusubirishamo urubanza ku mpamvu z'akarengane gifite ishingiro kuri bimwe.

Urubanza nº RCOMA 0371/14/HCC-0388/14/HCC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 02/10/2014 rugumyeho mu ngingo zarwo zose, uretse ibyerekeranye n'indishyi za 10.000.000 Frw Mbanda Chantal yategetswe guha Mukamusana Henriette.

Amategeko yashingiweho:

Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 12.

Itegeko N°45/2011 ryo ku wa 25/11/2011 rigenga amasezerano, ingingo ya 64, 70, 115 na 138.

Itegeko Nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 3 igika cya mbere.

Inyandiko z'abahanga zifashishijwe:

Philippe Malaurie, Laurent Aynès, Droit des obligations, 7ème édition, Paris, LGDJ, 2015, p.142.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Uru rubanza rukomoka ku masezerano y'ubukode bw'inzu yo gukoreramo ubucuruzi Mukamusana Henriette yagiranye na nyir'inzu Mbanda Chantal ku wa 01/12/2011, yagombaga kumara igihe cy'imyaka itanu (5) ku giciro cya 900.000 Frw ku gihembwe, ni ukuvuga 300.000 Frw ku kwezi, impande zombi zumvikana ko Mukamusana Henriette hari imirimo agiye kubanza gukora ku nzu ifite agaciro ka 1.800.000 Frw kugira ngo atangire kuyikoreramo isa neza.

[2] Ku wa 14/06/2013, Mbanda Chantal yandikiye Mukamusana Henriette amumenyesha ko amasezerano yo ku wa 01/12/2011 asheshwe kubera kutishyurirwa ku gihe, kuba hari imirimo yakoze ku nzu batabigiyeho inama, muri iyo baruwa anamumenyesha ko yafashe icyemezo cyo kugurisha inzu ye; ibyo biba intandaro yo kutumvikana, maze Mukagasana Henriette aregera Urukiko rw'Ubucuruzi rwa Musanze kugira ngo rubakiranure.

[3] Mu rubanza Nº RCOM 0019/14/TC/MUS rwaciwe ku wa 06/06/2014, Urukiko rw'Ubucuruzi rwa Musanze rwasanze kugeza ubwo amasezerano yaseswaga ku wa 14/06/2013, nta mwenda w'ubukode Mukamusana Henriette yari arimo Mbanda Chantal n'ubwo uyu yavugaga ko kutishyurwa ari cyo cyatumye asesa amasezerano y'ubukode, ruvuga ko ayo masezerano yasheshwe ku buryo bunyuranye n'amategeko, bityo uwayasheshe akaba agomba kwirengera ingaruka zabyo.

[4] Urukiko rwategetse Mbanda Chantal kwishyura Mukamusana Henriette 8.760.000 Frw yagaragajwe n'umugenagaciro y'ibikorwa yashyize ku nzu ye yakodeshaga ari byo annexes yubatse, kuvugurura no guhindura imesero (buanderie) na boutique, ariko ko atagomba kumwishyura 370.000 Frw yashoye mu gukora ubusitani, kuko yabubyaje umusaruro mu gihe yamaze abukoreraho.

[5] Urukiko rwasanze 4.930.000 Frw y'ibikoresho Mukamusana Henriette avuga ko yari yaguze kugira ngo azabikoreshe mu bucuruzi bwe atagomba kuyasubizwa, kuko ari ibye kandi akaba atagaragaza ko hari ibyangiritse kubera kutubahiriza inshingano kwa Mbanda Chantal, ariko kubera ko yasheshe amasezerano nta mpamvu kandi yari asigaje amezi 41, akaba agomba guha Mukamusana Henriette 8.000.000 Frw y'inyungu yari kubona mu bucuruzi bwe agenwe mu bushishozi bw'Urukiko, kuko ayasabwe ari ikirenga. Urukiko rwategetse kandi Mbanda Chantal kwishyura Mukamusana Henriette indishyi z'akababaro zingana na 1.000.000 Frw hamwe n'igihembo cya Avoka kingana na 354.000 Frw kandi akamusubiza amafaranga y'igarama yatanze angana na 4.000 Frw.

[6] Impande zombi zajuririye Urukiko Rukuru rw'Ubucuruzi, Mbanda Chantal avuga ko Mukamusana Henriette ari we wishe amasezerano, ariko ko Urukiko rw'Ubucuruzi rwa Musanze rutabyitayeho, ko rwemeje ko Mukamusana Henriette yahagaritse kwishyura ari uko Akarere ka Rubavu kamuhagaritse gukorera mu nzu kandi atari byo nyir'ubwitwe yavuze, ko yategetswe kwishyura ibikorwa byose Mukamusana Henriette yashyize ku nzu ye yakodeshaga nyamara bitemewe n'ubuyobozi ndetse ko bishobora gusenywa, ko yaciwe indishyi zingana na 8.000.000 Frw zidasobanuriwe impamvu, ndetse rukaba ntacyo rwavuze ku ngingo ze ziregura.

[7] Mukamusana Henriette we yajuriye avuga ko Urukiko rubanza rwamugeneye indishyi za 8.000.000 Frw rwirengagije états financiers y'ubucuruzi bwe bwakorerwaga muri iyo nzu. Kuri urwo rwego rw'ubujurire, uwitwa Runanira André yagobotse mu rubanza asaba guhabwa indishyi zitandukanye, kuko yari yakodesheje iyi nzu na Mukamusana Henriette nawe wari wakodesheje na Mbanda Chantal.

[8] Mu rubanza n° RCOMA 0371/14/HCC-0388/14/HCC rwaciwe ku wa 02/10/2014, Urukiko Rukuru rw'Ubucuruzi rwasanze kuba Mbanda Chantal atagaragaza ko hari igihembwe Mukamusana Henriette yaba atarishyuye cyangwa se agatinda kwishyura, ntaho rwahera rwemeza ko yarenze ku masezerano impande zombi zagiranye, kandi ko no kuba Akarere karafunze iyi nzu byatewe n'uko Mbanda Chantal atubahirije ibyo yasabwaga gukora.

[9] Urukiko Rukuru rw'Ubucuruzi rwasanze kandi nta kosa Urukiko rw'Ubucuruzi rwa Musanze rwakoze mu kwemeza ko Mbanda Chantal agomba kwishyura Mukamusana Henriette inyubako n'ibindi bikorwa byose yakoze muri pariseri ye, kuko atigeze amubuza mu gihe yabonaga nta burenganzira abifitiye, kandi ko n'igihe ubuyobozi bwazaga gufunga iyi nzu, butigeze bufunga izi nyubako zindi. Ku birebana n'ishingiro ry'indishyi za 8.000.000 Frw zahawe Mukamusana Henriette, Urukiko Rukuru rw'Ubucuruzi rwasanze zaragombaga gutangwa kubera ko Mbanda Chantal yasheshe amasezerano igihe kitaragera.

[10] Ku byerekeye ubujurire bwa Mukamusana Henriette wavugaga ko Urukiko rwamugeneye indishyi za 8.000.000 Frw rwirengagije états financiers ze, Urukiko Rukuru rw'Ubucuruzi rwasanze nta shingiro bifite, kuko yakomeje gukorera muri ayo mazu nyuma y'aho Mbanda Chantal asheshe amasezerano[1], kandi na états financiers avuga zikaba zitagaragaza by'ukuri inyungu yari kuba abonye.

[1] Urukiko rwavugaga ko mu gihe rwacaga urubanza hari hashize amezi 16.

[11] Ku byerekeye ikirego cya Runanira André, Urukiko Rukuru rw’Ubucuruzi rwasanze agomba kwishyurwa na Mbanda Chantal indishyi z’igihombo azaterwa no kutabona aho akorera angana na 1.000.000 Frw agenwe mu bushishozi bw’Urukiko, kuko atagaragaje ko yari kuguma gukorera muri iyo nzu mu gihe cy’amezi 30 yari asigaye, kandi akamuha 2.227.000 Frw y’amazi n’amashanyarazi yashyize muri iyo nzu, kuko yabishyizemo yizeye kuzahakorera, 500.000 Frw y’ikurikiranarubanza, igihembo cya Avoka no gushorwa mu manza hamwe na 75.000 Frw.

[12] Urukiko rwategetse Mbanda Chantal guha Mukagasana Henriette 10.000.000 Frw z’inyungu yagombaga kubona muri bar, alimentation na chambres (ibyumba) mu gihe cy’amezi 26 yari asigaye ngo ubukode burangire, aya mafaranga akaba agomba kwiyongera kuri 8.000.000 Frw yari yahawe mu rubanza rwajuririwe, akanamuha 500.000 Frw y’igihembo cya Avoka n’ikurikiranarubanza ku rwego rw’ubujurire, ndetse akamusubiza 75.000 Frw yatanzeho igarama.

[13] Nyuma y’izo manza zombi, Mbanda Chantal yiyambaje urwego rw'Umuvunyi asaba ko urubanza No RCOMA 0371/014/HCC-0388/14/HCC rwasubirwamo ku mpamvu z'akarengane. Nyuma yo gusuzuma ubusabe bwe, Urwego rw'Umuvunyi rwemeje ko urubanza n° RCOMA 0371/14/HCC-0388/14/HCC rurimo akarengane maze rwandikira Perezida w’Urukiko rw'Ikirenga rusaba ko urwo rubanza rwasubirwamo ku mpamvu z'akarengane.

[14] Ku wa 13/02/2019, mu cyemezo cye N°071/CJ/2019, Perezida w’Urukiko rw’Ikirenga yemeje ko urubanza No RCOMA 0371/14/HCC-0388/14/HCC rwaciwe n’Urukiko Rukuru rw’Ubucuruzi ku wa 2/10/2014 rusubirwamo ku mpamvu z’akarengane, ategeka ko rwoherezwa mu Rukiko rw’Ubujurire kugira ngo abe ari rwo ruzaruburanisha, ikirego gihabwa N° RS/INJUST/RCOM 00001/2019/CA.

[15] Urubanza rwaburanishijwe mu ruhame ku wa 16/12/2019 no ku wa 11/2/2020, Mbanda Chantal ahagarariwe na Me Zitoni Pierre Claver, Mukamusana Henriette yunganiwe na Me Ntihemuka Albert, Runanira André akaba yari ahagarariwe na Me Rwamo Innocent ku wa 16/12/2019, naho ku wa 11/02/2020 ahagarariwe na Me Serugo Jean Baptiste, ababuranyi bavuga ko bashaka kubanza kugerageza gukemura ikibazo cyabo mu bwumvikane, bakazageza ku Rukiko icyo bagezeho, iburanisha ryimurirwa ku wa 06/04/2020, uwo munsi urubanza ntirwashobora kuburanishwa kubera gahunda zo kwirinda icyorezo cya Covid-19.

[16] Urubanza rwongeye kuburanishwa ku wa 27/05/2020, Mbanda Chantal ahagarariwe na Me Zitoni Pierre Claver, Mukamusana Henriette yunganiwe na Me Ntihemuka Albert, naho Runanira André ahagarariwe na Me Serugo Jean Baptiste, iburanisha rigitangira, Me Zitoni Pierre Claver abwira Urukiko ko ingingo yerekeranye no kugobokesha Kabango Bamporeze uwo ahagarariye ayiretse.

II. IBIBAZO BIRI MU RUBANZA N’ISESENGURA RYABYO

1.Kumenya niba Mbanda Chantal yarasheshe amasezerano y’ubukode yari afitanye na Mukamusana Henriette mu buryo bukurikije amategeko.

[17] Me Zitoni Pierre Claver, uburanira Mbanda Chantal, avuga ko mu masezerano y'ubukode, iyo uwahawe inzu ku bukode atishyuye ku gihe giteganijwe mu masezerano aba yishe amasezerano, kandi ko ayo makosa atuma amasezerano aseswa ku makosa ye, kuko aba

anyuranyije n'inshingano rusange zivugwa ku bukode ari zo gufata neza inzu no kwishyurira ubukode igihe, akaba ari ko byagenze kuri Mukamusana Henriette, kuko atubahirije iyi ngingo kuva yakorera mu nzu ya Mbanda Chantal, ari nayo mpamvu amasezerano y’ubukode yasheshwe.

[18] Mukamusana Henriette n’umwunganizi we bavuga ko Mbanda Chantal yaburanye avuga ko impamvu yasheshe amasezerano ari uko atigeze amwishyura na rimwe, nyamara ko yagaragaje bordereaux yishyuriyeho, ko kandi Mbanda Chantal yasheshe amasezerano nta mwenda amufitiye, bityo rero inkiko zikaba nta kosa zakoze mu kwemeza ko Mukamusana Henriette atari we wishe amasezerano, ko ahubwo Mbanda Chantal ari we washeshe amasezerano mu buryo budakurikije amategeko.

UKO URUKIKO RUBIBONA

[19] Ingingo ya 64 y’Itegeko Nº 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ko “Amasezerano akozwe ku buryo bukurikije amategeko aba itegeko ku bayagiranye. Ashobora guseswa ari uko babyumvikanyeho cyangwa ku mpamvu zemewe n’amategeko. Agomba kubahirizwa nta buriganya”.

[20] Ingingo ya 70 y’Itegeko n°45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ko “Buri ruhande rufite inshingano yo kurangiza amasezerano nta buriganya kandi rukarangwa n’imikorere myiza yemerwa ku bagiranye amasezerano”.

[21] Ingingo ya 3, igika cya mbere, y’Itegeko nº 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n’itangwa ryabyo iteganya ko “Buri muburanyi agomba kugaragaza ukuri kw’ibyo aburana”. Naho ingingo ya 12 y’Itegeko nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, iteganya ko “Urega agomba kugaragaza ibmenyetso by’ibyo aregera. Iyo abibuze uwarezwe aratsinda”.

[22] Dosiye y’urubanza igaragaza ko ku wa 14/06/2013, ni ukuvuga nyuma y’umwaka n’igice Mukamusana Henriette akoranye na Mbanda Chantal amasezerano y’ubukode bw’inzu yo gukorerarmo ubucuruzi, Mbanda Chantal yandikiye Mukamusana Henriette ibaruwa amumenyesha ko ku gite cye asheshe amasezerano bakoranye, atanga impamvu eshatu, harimo iyo kuba amasezerano adakurikizwa neza, cyane cyane ko adakurikiza igihe cyo kwishyura bigatuma nawe atubahiriza inshingano ze zo kwishyura abandi kandi ari yo mpamvu yakoze amasezerano.

[23] Imikirize y’urubanza rwaciwe n’Urukiko rw’Ubucuruzi rwa Musanze ku wa 06/06/2014 igaragaza ko nyuma y’isesengura ry’ibimenyetso byagaragajwe, urwo Rukiko rwasanze ku matariki atandukanye Mukamusana Henriette yaragiye yishyura ubukode nk’uko bordereaux de versement zibigaragaza mu buryo bukurikira: ikimenyetso cyo ku wa 24/10/2011 cyerekana ko amezi atatu ya mbere (kuva mu kwa 12/2011 kugeza mu kwa 2/2012 yishyuwe amasezerano atarashyirwaho umukono, amafaranga y’ukwezi kwa 3/2012 kugeza mu kwa 5/2012 yishyuwe ku wa 09/03/2012, ayo mu kwa 6/2012 kugeza mu kwa 8/2012 yishyurwa ku wa 05/06/2012, ayo mu kwa 9/2012 kugeza mu kwa 11/2012 yishyurwa ku wa 06/09/2012, ayo mu kwa 12/2012 kugeza mu kwa 02/2013 yishyurwa ku wa 05/12/2012, ayo mu kwa 3/2013 kugeza mu kwa 5/2013

yishyurwa ku wa 11/03/2013, naho ayo mu kwa 06/2013 kugeza mu kwa 8/2013 yishyurwa ku wa 05/06/2013, andi y'inyongera yishyurwa ku wa 10/06/2013 no ku wa 18/08/2013.

[24] Nyuma yo gusuzuma ibyo bimenyetso, Urukiko rw'Ubucuruzi rwa Musanze rwasanze nta mwenda w'ubukode Mukamusana Henriette yari abereyemo Mbanda Chantal igihe uyu yasesaga amasezerano ku wa 14/06/2013, rwemeza ko Mbanda Chantal ari we washeshe amasezerano ku buryo butubahirije amategeko, kuko yishyurwaga ubukode kandi akabwakira, mu gihe Mbanda Chantal yavugaga ko Mukamusana Henriette atigeze yishyura na rimwe nk'uko bigaragara mu mwanzuro we wo kwiregura yatanze muri urwo Rukiko no mu iburanisha ry'urubanza (igika cya 10 cy'urubanza N° RCOM 0019/14/TC/MUS).

[25] Urukiko Rukuru rw'Ubucuruzi rushingiye ku busesenguzi bw'ibimenyetso byagaragajwe na Mukamusana Henriette, rwasanze Urukiko rw'Ubucuruzi rwa Musanze rwarasobanuye neza ko Mukamusana Henriette yagiye yishyura neza kugeza amasezerano asheshwe ku wa 14/06/2013, maze rwemeza ko kuba Mbanda Chantal atagaragaza ko hari igihembwe MUKAMUSANA Henriette yaba atarishyuye cyangwa se yatinze kwishyura, ntaho rwahera rwemeza ko yarenze ku masezerano yagiranye na Mbanda Chantal nk'uko abivuga, kuko Mukamusana Henriette yishyuraga amafaranga y'ubukode kandi akayishyura ku gihe.

[26] Nyuma yo kongera gusuzuma ibimenyetso inkiko zabanje zashingiyeho zemeza ko Mbanda Chantal yasheshe amasezerano yakoranye na Mukamusana Henriette mu buryo budakurikije amategeko, Urukiko rw'Ubujurire rurasanga nk'uko bigaragazwa na bordereaux zitandukanye zatanzwe na Mukamusana Henriette ziri muri dosiye kandi nk'uko byerekanwe mu gika cya 23 cy'urubanza, hari ibihe Mukamusana Henriette yarenzaga gato itariki yo kwishyura amafaranga y'ubukode bw'inzu yari yumvikanyweho mu masezerano, ni ukuvuga itariki 5 y'ukwezi, kuko hari aho yishyuye ku itariki ya 6 y'ukwezi, iya 9, iya 10, iya 11, n'iya 18 z'ukwezi.

[27] Rurasanga ariko, mu ibaruwa yo ku wa 19/06/2013, Mukamusana Henriette yandikiye Mbanda Chantal nyuma y'uko amumenyesheje ko amasezerano bagiranye asheshwe, yaramwibukije ko mu bihe atishyuye neza yagiye amumenyesha ingorane yagize bakabiganiraho ndetse ko n'uwitwa Kabango abizi, kandi Mbanda Chantal akaba atarigeze ahakana ko ibi atari ko byagenze, Urukiko rukaba rubona ibi bihe Mukamusana Henriette atishyuriye ku gihe giteganyijwe mu masezerano bitafatwa nk'ingingo yo kutubahiriza amasezerano yari gutuma aseswa, kuko yagaragarije urundi ruhande inzitizi yagize narwo rukaba rutarabihakanye, kandi Mbanda Chantal akaba aterekana ko mbere y'uko asesa amasezerano hari aho yihanangirije Mukamusana Henriette ko agomba kubahiriza inshingano yo kwishyura ku itariki bavuganye, ahubwo rusanga kuba, mu gihe Mukamusana Henriette yabaga arengeje gato itariki bumvikanye mu masezerano, yarahitaga amugaragariza ingorane yagize, ibyo bigaragaza imikorere myiza yemerwa ku bagiranye amasezerano, iyi nshingano y'imikoranire myiza ikaba ireba n'uruhande rwa Mbanda Chantal, nk'uko biteganywa n'ingingo ya 70 y'Itegeko N° 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano.

[28] Urukiko rurasanga rero ibyo uruhande rwa Mbanda Chantal ruvuga ko Mukamusana Henriette atubahirije ibiteganyijwe mu masezerano y'ubukode nta shingiro byahabwa, kuko rutashoboye gutanga ibimenyetso bivuguruza ibyo inkiko zashingiyeho zemeza ko ari we washeshe amasezerano ku buryo budakurikije amategeko nk'uko biteganywa n'ingingo ya 3 y'Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo,

n'ingingo ya 12 y'Itegeko Nº 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, bityo kuri iyi ingingo ijyanye no gusesa amasezerano, kuko Mukagasana Henriette atishyuraga neza amafaranga y'ubukode, nta karengane Mbanda Chantal yakorewe.

2. Kumenya niba Mukamusana Henriette yari akwiriye guhabwa indishyi z'inyubako yashyize mu kibanza cya Mbanda Chantal.

[29] Mbanda Chantal n'umwunganizi we bavuga ko Mukamusana Henriette azi neza ko atashoboraga guhindura cyangwa kugira ibyo yongera ku nzu ye cyangwa kubaka ibindi bishya nyirayo atabyemeye cyangwa adasabye uruhushya ubuyobozi, ko kuba ibi bitarubahirijwe adakwiye guhindukira ngo asabe indishyi z'inyubako yongeye ku nzu yakodeshaga. Avuga ko inyubako Mukamusana Henriette yongeye ku nzu ya Mbanda Chantal zigizwe na chambrettes, inzu yakoreragamo Equity Bank Ltd n'ahakorerwaga lavage à sec, ariko ko ubu izo nzu zose zasenywe.

[30] Mukamusana Henriette n'umwunganizi we bo bavuga ko Mbanda Chantal aramutse atishyuye izi nyubako kwaba ari ukwikungahaza mu buryo budakwiye, kuko ari umutungo utimukanwa akaba atari kuzisenya, bikaba byumvikana ko yagombaga kuzishyura. Bavuga ko nta kuntu Mukamusana Henriette yari kugira icyo yongera ku nzu ya Mbanda Chantal batabyumvikanyeho, kuko ibyo yakoraga byari mu nyungu ze, nawe bigatuma yinjiza amafaranga, kandi ko yari agifite igihe kinini cyo gukora ku buryo amafaranga yashoye muri izo nyubako yari kuzayagaruza.

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[31] Ingingo ya 64 y'Itegeko No 45/2011 ryo ku wa 25/11/2011 yibukwijwe haruguru iteganya ko amasezerano akozwe ku buryo bukurikije amategeko aba itegeko ku bayagiranye, ko ashobora guseswa ari uko babyumvikanyeho cyangwa ku mpamvu zemewe n'amategeko, ko kandi agomba kubahirizwa nta buriganya.

[32] Dosiye igaragaza ko mu masezerano impande zombi zagiranye ku wa 01/12/2011 hari imirimo ifite agaciro ka 1.800.000 Frw umukodeshwa yagombaga gukora ku nzu harimo gusiga amategura asakaye, akazisubiza amafaranga azaba yakoresheje mu gihe cy'amezi 12, ko muri icyo gihe azaba ariha 150.000 Frw buri kwezi kugeza amaze kwisubiza amafaranga yatanze mu gusana ibyumvikanyweho.

[33] Urukiko rw'Ubucuruzi rwa Musanze rwasanze Mukamusana Henriette agomba gusubizwa amafaranga yashoye mu nyubako yashyize muri pariseri ya Mbanda Chantal, kuko atigeze amuhagarika kandi yarasuraga pariseri ye ndetse n'ubuyobozi bukaba butaramuhagaritse cyangwa ngo busabe ko zisenywa, ko aramutse asigaranye izo nyubako atazishyuye kandi ari we nyirabayazana wo gusesa amasezerano byaba ari ukwikungahaza mu buryo budakwiriye (enrichissement sans cause), maze rutegeka ko amuha 8.760.000 Frw y'inyubako ya za annexes, kuvugurura no guhindura buanderie (imesero) na boutique, nk'uko bigaragazwa na raporo y'umugenagaciro.

[34] Urukiko Rukuru rw'Ubucuruzi narwo rwasanze kuba Mbanda Chantal yaramenye ko hari inyubako Mukamusana Henriette yashyize muri pariseri ye ntamubuze kandi yarabonaga nta burenganzira abifitiye ndetse ubuyobozi bukaba butarafunze izo nyubako ubwo bwazaga gufunga inzu yakorerwagamo ubucuruzi, ntaho Mbanda Chantal yahera yanga kwishyura ibyo bikorwa, rutegeka ko amafaranga yategetswe n'Urukiko rw'Ubucuruzi rwa Musanze ari yo agomba kwishyura.

[35] Urukiko rw'Ubujurire rurasanga koko, nubwo nta nyandiko yanditse igaragaza ko Mbanda Chantal yumvikanye na Mukamusana Henriette gushyira izindi nyubako mu kibanza cye, ariko hashingiwe ku mvugo ya Mukamusana Henriette ko yumvikanye na Mbanda Chantal ko ashyiraho izo nyubako, kuko zari ku nyungu zabo bombi, ibi Mbanda Chantal akaba atarabashije kubivuguruza, no kuba yarabonye izo nyubako zishyirwa mu kibanza cye akicecekera ntasabe Mukamusana Henriette kuzikuraho cyangwa ngo agaragaze ko hari aho yabimureze, ahubwo akareka agakomeza kuzikoreramo ndetse n'igihe yamusabaga gusesa amasezerano akaba ataramusabye kuzisenya, bigaragaza ko kuba zarubatswe ku kibanza cye ntacyo byamwangirije, ahubwo nawe yabonaga ko bimufitiye inyungu, bityo akaba atari kugumana izi nyubako ntacyo yishyuye Mukamusana Henriette wazishyize mu kibanza cye, Urukiko rukaba rusanga mu kwemeza ko Mbanda Chantal yishyura agaciro kazo, Urukiko Rukuru rw'Ubucuruzi rutaramurenganyije.

3. Kumenya niba Mukamusana Henriette akwiye gusubiza Mbanda Chantal 29.193.000 Frw yishyuwe harangizwa urubanza rwasubirishijwemo ku mpamvu z'akarengane

[36] Mbanda Chantal n'umwunganizi we bavuga ko uru Rukiko rukwiye gutegeka Mukamusana Henriette kumusubiza 29.193.000 Frw yatanze harangizwa urubanza yasubirishijemo, kuko rwamurenganyije.

[37] Mukamusana Henriette n'umwunganizi we bo bavuga ko icyatumye Urukiko Rukuru rw'Ubucuruzi rumugenera ayo mafaranga, ari uko atishimiye indishyi za 8.000.000 Frw yari yagenewe ku rwego rwa mbere. Avuga ko yagaragaje ko amafaranga y'indishyi yari yagenewe ari ayo yari gukura mu masezerano ya sous location yari yagiranye na Runanira André, kuko yamwishyuraga 200.000 Frw ku kwezi, mu mezi 41 yari asigaye yose akaba yari kuba 8.200.000 Frw, ko byatumye Urukiko Rukuru rw'Ubucuruzi noneho rusuzuma n'igihombo yagize ku birebana n'ibindi yakoreraga muri iyo nzu ari byo chambres, bar-restaurant, alimentation na lavage à sec yakorerwagamo n'undi muntu nk'uko bigaragara mu masezerano yo ku wa 23/07/2012 yagiranye na Runanira André.

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[38] Ingingo ya 138 y'Itegeko N° 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ko ″Uruhande rurengana rufite uburenganzira ku ndishyi zishingiye ku nyungu rwateganyaga zibarwa hakurikijwe [......] 2° ikindi gihombo cyose gitewe no kutubahiriza amasezerano, n'ikindi gihombo cyose cyashamikiraho [.....].

[39] Imikirize y'urubanza No RCOM 0019/14/TC/MUS rwaciwe n'Urukiko rw'Ubucuruzi rwa Musanze ku wa 06/06/2014, igaragaza ko urwo Rukiko rwategetse Mbanda Chantal gusubiza Mukamusana Henriette 8.760.000 Frw y'inyubako yari yubatse mu kibanza cye, nk'uko

yagaragajwe na raporo y'umugenagaciro Bagamba Edward, 8.000.000 Frw y'inyungu yagombaga kubona mu gihe cy'amezi 41 cyari gisigaye ngo amasezerano arangire yagenwe mu bushishozi bw'Urukiko, kuko izasabwe ari ikirenga, indishyi z'akababaro zingana na 1.000.000 Frw, n'igihembo cya Avoka kingana na 354.000 Frw, kandi akamuha n'ingwate y'amagarama yatanze arega ingana na 4.000 Frw.

[40] Urukiko Rukuru rw'Ubucuruzi rwahamishijeho izo nyungu za 8.000.000 Frw zari zagenwe n'Urukiko rw'Ubucuruzi, ariko ruvuga ko agomba kwiyongeraho 10.000.000 Frw y'inyungu Mukamusana Henriette yagombaga kubona muri bar, alimentation na chambres mu gihe cy'amezi 26 yari asigaye ngo amasezerano arangire, kuko rwasanze kugeza ubwo urubanza rwacibwaga atarigeze ahagarara gukorera muri iyo nzu ya Mbanda Chantal yakodeshaga, yiyongereyeho 500.000 Frw y'igihembo cya Avoka ku rwego rw'ubujurire, kandi akamusubiza igarama yatanze ajurira ringana na 75.000 Frw.

[41] Urukiko Rukuru rw'Ubucuruzi rwategetse kandi Mbanda Chantal kwishyura Runanira André 2.227.000 Frw yakoresheje ashyira amazi n'amashanyarazi mu nzu yagombaga gukoreramo yari yakodesheje na Mukamusana Henriette (sous location), 1.000.000 Frw y'igihombo azaterwa no kutagira aho akorera yagenwe mu bushishozi bw'Urukiko, 500.000 Frw y'igihembo cya Avoka n'ikurikiranarubanza kandi akamusuziza 75.000 Frw, Runanira André yatanzeho igarama.

[42] Urukiko rw'Ubujurire rurasanga koko kuba Mbanda Chantal yarasheshe amasezerano y'ubukode mu buryo budakurikije amategeko bigatuma ubucuruzi bwa Mukamusana Henriette buhagarara, agomba kubitangira indishyi zishingiye ku kuba yaramuvukije amahirwe yo gukomeza ubucuruzi ntabone ibyo yashoboraga kunguka mu gihe cyari gisigaye ngo amasezerano arangire. Urukiko rurasanga ariko nk'uko Urukiko rw'Ubucuruzi rwa Musanze rwabibonye, ndetse bikemezwa n'Urukiko Rukuru rw'Ubucuruzi, Mukamusana Henriette atarashoboye kugaragaza ibimenyetso ashingiraho asaba 46.145.500 Frw yavugaga ko ari yo mafaranga yashoboraga kunguka iyo Mbanda Chantal adasesa amasezerano mu buryo budakurikije amategeko, uku akaba ari nako n'uru Rukiko rubibona, kuko mu gihe bigaragaye ko nta mibare ifatika ihari rwaheraho rubara igihombo gikomoka mu kuba hari amahirwe Mukamusana Henriette yavukijwe bitewe n'uko états financiers ziri muri dossier ziterekana ku buryo budashidikanywaho amafaranga yungukaga buri kwezi, yagombaga kugenerwa indishyi mu bushishozi bw'Urukiko. Uku ni nako n'abahanga mu mategeko babibona, aho bavuga ko igihe gutakaza amahirwe bigomba gutangirwa indishyi, izitangwa ziba ari agace k'ibyo uzisaba yateganyaga kuzabona, ko indishyi zitangwa ziba zitangana ijana ku ijana n'inyungu zari zitegerejwe. Bakomeza bavuga ko bitewe n'ibibazo biterwa no kutamenya mu by'ukuri icyo usaba bene izi ndishyi yari kuzabona, inkiko zemeje ko zigomba kugenwa mu bushishozi bwazo[2].

[43] Urukiko rurasanga rero 8.000.000 Frw Mukamusana Henriette yagenewe n'Urukiko rw'Ubucuruzi rwa Musanze, akagumishwaho n'Urukiko Rukuru rw'Ubucuruzi adakwiye guhinduka, kuko ari mu rugero rukwiye hashingiwe ku bikorwa by'ubucuruzi yakoraga.

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[2] Lorsque la perte d'une chance est réparable, les dommages-intérệts alloués à la victime ne sont qu'une fraction de l'avantage espéré, plus ou moins forte selon la probabilité. L'indemnité n'est donc pas égale à la totalité du gain espéré, dont l'obtention par hypothèse, est aléatoire. De redoutables problèmes de probabilité se posent donc, que la jurisprudence résout de manière radicale, en posant en principe que l'évaluation faite par les juges du fond est souveraine (Philippe Malaurie, Laurent Aynès, Droit des obligations, 7ème édition, Paris, LGDJ, 2015, p.142).

[44] Ku birebana na 10.000.000 Frw Urukiko Rukuru rw'Ubucuruzi rwategetse Mbanda Chantal guha Mukamusana Henriette yiyongera kuri 8.000.000 Frw yari yagenwe ku rwego rubanza, Urukiko rurasanga mu gihe rwari rumaze kugumishaho 8.000.000 Frw yagenwe mu bushishozi n'Urukiko rw'Ubucuruzi rwa Musanze, rutaragaragaje koko icyo rwashingiyeho rwongera gutegeka Mbanda Chantal kwishyura 10.000.000 Frw yiyongera kuri 8.000.000 Frw yagenwe n'Urukiko rw'Ubucuruzi rwa Musanze, kuko n'ubundi yayaciwe kubera kutubuhariza amasezerano, bityo kuri iyi ngingo Mbanda Chantal akaba yaragiriwe akarengane, Mukamusana Henriette akaba agomba kumusubiza 10.000.000 Frw yagenewe n'Urukiko Rukuru rw'Ubucuruzi, kuko uru rubanza rwarangijwe nk'uko bigaragazwa n'inyandikomvugo yo kurangiza urubanza yo ku wa 11/02/2016.

[45] Ku birebana n'amafaranga y'inyungu Runanira André yagombaga kubona, Urukiko rurasanga n'ubwo yagombaga kuyasubizwa na Mukamusana Henriette bakoranye amasezerano, kuko amasezerano agira inkurikizi ku bayagiranye gusa[3], ayo mafaranga nayo agomba kwirengerwa na Mbanda Chantal, kuko ari we wakoze amakosa yo gusesa amasezerano y'ubukode bw'inzu yari afitanye na Mukamusana Henriette nk'uko byasobanuwe haruguru, iryo kosa rye akaba ari ryo ryagize ingaruka ku bucuruzi bwa Runanira André wari ufitanye amasezerano ya sous location na Mukamusana Henriette, bityo urubanza nº RCOMA 0371/14/HCC-0388/14/HCC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 02/10/2014, rukaba rugomba kugumaho ku byagenewe Runanira André.

[46] Hakurikijwe ibisobanuro bitanzwe haruguru, Urukiko rurasanga nta kosa Urukiko Rukuru rw'Ubucuruzi rwakoze mu gutegeka Mbanda Chantal gutanga indishyi zikomoka ku kuba yarasheshe amasezerano ku buryo bunyuranyije n'amategeko, icyahindutse akaba ari ingano yazo ku zagenewe Mukamusana Henriette nk'uko byasobanuwe.

4. Kumenya niba ababuranyi bahabwa indishyi n'amafaranga y'ibyagiye ku rubanza basaba

[47] Mbanda Chantal asaba Urukiko gutegeka ko Mukamusana Henriette amuha indishyi z'akababaro zingana na 10.000.000 Frw, kuko imanza zaciwe zamugaragaje nk'umuntu utubaha amasezerano, hamwe na 5.000.000 Frw yahawe Avoka yagiye yitabaza kuva urubanza rwatangira; ariko Mukamusana Henriette akavuga ko ahubwo Mbanda Chantal ari we ukwiye kumuha amafaranga y'igihembo cya Avoka angana na 1.000.000 Frw na 500.000 Frw y'ikurikiranarubanza, kuko ari we washeshe amasezerano ku buryo bunyuranyije n'amategeko.

[48] Runanira André asaba ko MBANDA Chantal amuha 3.000.000 Frw akubiyemo igihembo cya Avoka kingana na 1.000.000 Frw, amafaranga y'ikurikiranarubanza angana na 200.000 Frw n'indishyi z'akababaro zingana na 1.800.000 Frw kubera ko akomeje kumushora mu manza kandi mu by'ukuri ntacyo amurega.

[49] Mbanda Chantal avuga ko Runanira André agomba kubanza gusubiza amafaranga yahawe harangizwa urubanza rwasubirishijwemo ku mpamvu z'akarengane, ibindi bigasuzumwa nyuma.

UKO URUKIKO RUBIBONA

[3] Ingingo ya 115 y'Itegeko N°45/2011 ryo ku wa 25/11/2011 rigenga amasezerano.

[50] Ku byerekeranye n’amafaranga y’ibyagiye ku rubanza, ingingo ya 111 y’Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y’imanza z’imbonezamubano, iz’ubucuruzi, iz’umurimo n’iz’ubutegetsi, iteganya ko ″Ikirego cy’amafaranga y’ikurikiranarubanza, ari ikirego gishamikira ku kirego cy’iremezo. Gishobora kandi kwakirwa kikanaburanishwa n’iyo ikirego cy’iremezo cyaba kitakiriwe. Ikirego cy’amafaranga y’ikurikiranarubanza kiburanishirizwa rimwe n’ikirego cy’iremezo. Gishobora kandi kwakirwa kikanaburanishwa n’iyo ikirego cy’iremezo cyaba kitakiriwe.

[51] Hakurikijwe iyi ngingo imaze kwibutswa, Urukiko rw’Ubujurire rurasanga Mbanda Chantal na Mukamusana Henriette badakwiye guhabwa amafaranga y’ikurikiranarubanza n’igihembo cya Avoka, kuko buri wese afite icyo atsindiye.

[52] Urukiko rurasanga ariko, Mbanda Chantal akwiye guha Runanira André amafaranga y’ikurikiranarubanza n’igihembo cya Avoka, kuko ari we wakoze amakosa yatumye habaho uru rubanza kandi Runanira André akaba yariyambaje Avoka wo kumuburanira ndetse agira ibyo atakaza arukurikirana, ariko ayo mafaranga akaba agomba kugenwa mu bushishozi bw’Urukiko, kuko ayo asaba ari menshi hakurikijwe imirimo yakozwe ku rubanza n’igihe rumaze mu Rukiko, bityo akaba agomba kumuha 700.000 Frw.

[53] Naho ku byerekeranye indishyi z’akababaro zingana na 10.000.000 Frw Mbanda Chantal asaba Urukiko gutegeka Mukamusana Henriette kumuha, Urukiko rurasanga ntazo akwiye guhabwa, kuko nk’uko byagaragajwe ari we washeshe amazerano mu buryo budakurikije amategeko. Urukiko rurasanga na none nta ndishyi z’akababaro Runanira André akwiye guhabwa, kuko kuba yaragarutse mu rubanza, ari uko yari yararubayemo umuburanyi, rukaba rutari kuburanishwa atarurimo, ibyo akaba adakwiye kubisabira Mbanda Chantal indishyi.

III. ICYEMEZO CY’URUKIKO

[54] Rwemeje ko ikirego cyo gusubirishamo urubanza nº RCOMA 0371/14/HCC-0388/14/HCC ku mpamvu z’akarengane cyatanzwe na Mbanda Chantal gifite ishingiro kuri bimwe;

[55] Rwemeje ko ikirego cy’ibyagiye ku rubanza cyatanzwe na Runanira André gifite ishingiro kuri bimwe;

[56] Rwemeje ko urubanza nº RCOMA 0371/14/HCC-0388/14/HCC rwaciwe n’Urukiko Rukuru rw’Ubucuruzi ku wa 02/10/2014 rugumyeho mu ngingo zarwo zose, uretse ibyerekeranye n’indishyi za 10.000.000 Frw Mbanda Chantal yategetswe guha MUKAMUSANA Henriette;

[57] Rutegetse Mukamusana Henriette gusubiza Mbanda Chantal 10.000.000 Frw;

[58] Rutegetse Mbanda Chantal guha Runanira André 700.000 Frw y’ikurikiranarubanza n’igihembo cya Avoka, kuri uru rwego.