

## **DUSENGUMUREMYI N'ABANDI V SONARWA GENERAL INSURANCE CO LTD N'INDI.**

[Rwanda URUKIKO RUKURU – RCA 00042/2020/HC/KIG (Kabagambe, P.J.) 20 Gicurasi 2021]

*Amatego agenga imanza z'imbonezamubano – Amasezerano – Amasezerano y'ubwishingizi – Ubwishingizi bw'abakozi bakora mu birombe – Iyo umubare w'abakozi bafatiwe ubwishingizi uri hasi y'umubare nyakuri sosiyete ifite ntibyaba impamvu yo kutishyura indishyi ziteganyijwe mu masezerano cyane cyane iyo umubare y'uwahitanywe cyangwa y'uwamugajwe n'impanuka uri hasi y'umubare wishingiwe.*

**Incamacye y'ikibazo:** Uru rubanza rwatangiye Dusengumuremyi na bagenzi be barega Sonarwa General Insurance Company Ltd mu Rukiko Rwisumbuye rwa Nyarugenge bavuga ko Kayitabo umubuyeyi wabo yakoze impanuka yitaba Imana ari gucukura amabuye y'agaciro mu kirombe cya Sosiyete Somidemu ifite ubwishingizi muri Sonarwa ariko bagiye gusaba indishyi zikomoka kuriyo mpanuka Sonarwa yanga kuzitanga ivuga ko Somidemu itubahirije amasezerano kuko yasabwe kuzana list y'abo yafatiye ubwishingizi izana umubare urenze uwo bumvikanye. Mu iburanisha ababuranyi bose baritabye usibye Somidemu Ltd kandi yari yamenyeshejwe mu buryo bukurikije Amategeko.

Iburanisha ryakomeje Somidemu Ltd idahari, Uhagarariye abaregwa yavuze ko bareze abantu babiri, ubwo Somidemu ititabye asaba urukiko ko rwasuzuma mu baregwa Sonarwa na Somidemu Ltd ugomba kwishyura indishyi. Uhagarariye Sonarwa avuga ko bo batemera kwishyura indishyi kuko amasezerano yagiranye na Somidemu Ltd asobanutse, umubare w'abakozi Somidemu yafatiye ubwishingizi ni batanu (5), mu gihe akomeretse cyangwa yitabye Imana ari mu kazi, nyamara ngo mu gihe Somidemu yabazwaga urutonde rw'abakozi bayo byagaragaye ko ifite abakozi 22, basanga rero amafaranga basaba Sonarwa idakwiye kuyishyura kuko Somidemu yabeshye ubwishingizi. Uhagarariye abarega avuga ko ibyo Sonarwa ivuga nta shingiro kuko bishyingiye abantu 5, ariko uwagize impanuka akaba ari umuntu umwe, ko hakurikijwe amasezerano Somidemu yagiranye na Sonarwa, asanga izo ndishyi zigomba kwishyurwa na Sonarwa. Urukiko Rwisumbuye rwa Nyarugenge rwemeje ko ibirego byatanzwe na Dusengumuremyi na bagenzi be gifite ishingiro, rutegeka Sonarwa kwishyura indishyi ziteganyijwe mu masezerano yagiranye na Somidemu.

Dusengumuremyi na bagenzi be ntibishimiye imikirize y'uru rubanza bajuririra uru rukiko rukuru, bavuga ko ku rwego rwa mbere bagombaga guhabwa indishyi z'akababaro. Sonarwa yo ivuga ko Ubujurire bwabo nta shingiro bufite kandi n'indishyi yaciwe mu rubanza rwabanje zikwiye kuvaho. Urukiko Rukuru rwemeje ko indishyi z'akababaro zidatanzwe ariko indishyi zatanzwe n'Urukiko Rwisumbuye zigumye.

**Incamake y'icyemezo:** Indishyi ziteganyijwe mu masezerano sosiyete yakoze k'ubwishingizi bw'abakozi bayo bakora mu kirombe Gicukura amabuye y'agaciro, zigomba gutangwa. Bityo kuba umubare w'abakozi bafatiwe ubwishingizi uri hasi y'umubare nyakuri sosiyete ifite ntibyaba impamvu yo kutishyura indishyi ziteganyijwe mu masezerano cyane cyane iyo umubare y'uwahitanywe cyangwa y'uwamugajwe n'impanuka uri hasi y'umubare wishingiwe.

**Ubujurire nta shingiro bufite.**

**Amategeko yashingiweho:**

Itegeko N°45/2011 ryo kuwa 25/11/2011 rigenga amasezerano, Ingingo ya 64

# Urubanza

## I. IMITERERE Y'URUBANZA

[1] Uru rubanza rwatangiriye mu rukiko rwisumbuye rwa Nyarugenge, abarega bavuga ko Kayitabo Jean Damascene yakoraga akazi ko gucukura amabuye y'agaciro mu kirombe cya Sosiyete y'ubucukuzi bwayo yitwa SOMIDEMU (Societe Minière de Mugesera), ahakorera impanuka yitaba Imana ku itariki ya 13/02/2016 nk'uko bigaragazwa n'icyemezo cyatanzwe n'ubuyobozi bw'umurenge wa Musebeya bwemeje ko atakiriho. Iyo Sosiyete yagiranye amasezerano y'ubwishingizi na Sonarwa General Insurance Company Ltd ku wa 07/09/2015 impande zombi ziyashyiraho umukono arikonyuma y'uko Kayitabo Jean Damascene yitabye Imana abamukomokaho bagiye basaba Sonarwa General Insurance Company Ltd nk'umwishingizi wayo guhabwa indishyi zikomoka ku mpanuka yateje urupfu rwe, ntiyasubiza amaburuwa yabaga yandikiwe nk'uko bigaragazwa n'amaburuwa yanditswe n'umwana we witwa Hategekimana Felicien. Abakomoka kuri nyakwigendera bakomeje gusaba Sonarwa General Insurance Company Ltd ko yabishyura amaso ahera mu kirere, bakabatuma ibyangombwa buri gihe bakabizana, bagategereza bagaheba, kugeza n'ubwo Sonarwa General Insurance Company Ltd yanze kwishyura ivuga ko SOMIDEMU itubahirije amasezerano kuko yasabwe kuzana list y'abo yafatiye ubwishingizi izana umubare urenze uwo bumvikanye. Kugeza ubwo abarega babonye ko bitagishobotse ko bahabwa izo ndishyi ku bwumvikane none bikaba byarabaye ngombwa ko biyambaza urukiko rubifitiye ububasha kugira ngo babashe guhabwa indishyi zikomoka ku mpanuka nk'uko biteganywa n'amategeko.

[2] Ku wa 11/11/2019, ku muni wiburanisha ry'urubanza mu mizi hitabye Me Hagenimana Polycarpe aburanira abarega naho Me Munderere Leopold yitabye aburanira uregwa Sonarwa General Insurance Company Ltd naho SOMIDEMU Ltd ititabye, nta mpamvu nyamara yaramenyeshye nk'uko bigaragara mu nyandikomvugo z'iburanisha ziri muri dosiye zerekanauko iburanisha ryagiye ryimurwa ariko ku itariki ya 18/9/2019 SOMIDEMU Ltd yari yitabye ntirwaburanishwa rwimurirwa ku wa 14/10/2019, iyo tariki uwitwa Kwizera Jean Bosco agenda ayisinyiye, ibyo bihamya ko bari bazi umuni w'iburanisha ry'urubanza. Urukiko rubanza rwemeje kuburanisha urubanza uhagarariye SOMIDEMU adahari.

[3] Me Hagenimana Polycarpe yavuze ko bareze abantu babiri, ubwo SOMIDEMU ititabye asaba urukiko ko rwasuzuma mu baregwa Sonarwana SOMIDEMU LTD ugomba kwishyura indishyi. Me Munderere Léopold avuga ko Sonarwa itemera kwishyura indishyi kuko amasezeranoyagiranye na SOMIDEMU LTD asobanutse, umubare w'abakozi SOMIDEMU yafatiye ubwishingizi ni abakozi batanu (5) akaba ari ubwishingizi bwo mu kirombe, mu gihe akomeretse cyangwa yitabye Imana, SOMIDEMU bari bafite abakozi 22 ariko baza kwishingira abantu 5 gusa, basanga 1000.000Frw basaba Sonarwa idakwiye kuyishyura kuko SOMIDEMU yabeshye ubwishingizi. Aho babimenyeye amasezerano barayasheshe. Ikindi mu mwanzuro wa SOMIDEMU amafaranga basaba ntayo bahabwa kuko bishe amasezerano, naho urega bamusaba kwishyura amafaranga 1.000.000Frw, y'igihembo cya avoka n'ikurikirana rubanza. Me Munderere Léopold avuga ko indishyi basaba Sonarwa ntazo yatangakuko batavugaga aho bashingira bazisaba.

[4] Me Hagenimana Polycarpe avuga ko ibyo bavuga nta shingiro kuko bishyingiye abantu 5, haza kugira impanuka y'umuntu umwe, assurance yajeguzeceka, kandi hakurikijwe amasezerano SOMIDEMU yagiranye na Sonarwa, asanga izo ndishyi bagomba kuzishyura.

[5] Urukiko rwisumbuye rwa Nyarugenge rwemeje ko ibirego byatanzwe na Dusengumuremyi Marie Rose, Hategekimana Felicien, Nshimiyimana Appolinaire, Nyirabahire Martha, Nyirahavugimana, n'Uwiringiyimana Vincente bifite ishingiro kuri bimwe; rwemeje ko ibirego byatanzwe na Dusengumuremyi Marie Rose, Hategekimana Felicien, Nshimiyimana Appolinaire,

Nyirabahire Martha, Nyirahavugimana, n' Uwiringiyimana Vincente barega SOMIDEMU Ltd kwishyura indishyi zingana na 1,000,000Frw zikomoka ku mpanuka yahitanye Kayitabo Jean Damascene nta shingirobifite. Rwemeje ko Sonarwa General Insurance Company Ltd yishyura indishyi zingana na 1,000,000Frw zikomoka ku mpanuka y'akazi yahitanye Kayitabo Jean Damascene, abana be aribo Dusengumuremyi Marie Rose, Hategekimana Felicien, Nshimiyimana Appolinaire, Nyirabahire Martha, Nyirahavugimana, n'Uwiringiyimana Vincente. Rwemeje ko nta mafaranga 400,000Frw yo gushyingura yatanzwe kuko adateganyijwe mu masezerano yo ku wa 07/9/2015. Rwemeje ko nta ndishyi z'akababaro zingana na 24,000,000Frw kuko zitavugwa mu masezerano yo ku wa 7/9/2015. Rwemeje ko Sonarwa General Insurance Company Ltd isubiza Dusengumuremyi Marie Rose, Hategekimana Felicien, Nshimiyimana Appolinaire, Nyirabahire Martha, Nyirahavugimana, n'Uwiringiyimana Vincente amafaranga bakoresheje bakurikirana uru rubanza arimo igarama 20,000Frw, ikurikiranarubanza 100,000Frw n'igihembo cy'avoka kingana na 500,000Frw.

[6] Hategekimana Felicien na bagenzi be ntibishimiye imikirize y' uru rubanza bajuririra uru rukiko rukuru, bavuga ko ku rwego rwa mbere bagombaga guhabwa indishyi z' akababaro.

[7] Ibibazo bigomba gusuzumwa mu rubanza ari ukumenya niba Dusengumuremyi Marie Rose, Hategekimana Felicien, Nshimiyimana Appolinaire, Nyirabahire Martha, Nyirahavugimana, n'Uwiringiyimana Vincente bagombaga guhabwa indishyi z' akababaro.

[8] SOMIDEMU Ltd ititabye ariko yireguye, uhagarariye abajuriye asaba kuburana uhagarariye SOMIDEMU Ltd adahari, hashingiwe ku ngingo ya 56y'itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'ianza z'imbonezambano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu iteganya ko Iyo mu iburanisha uregwa atitabye nta mpamvu, urega ashobora gusaba ko urubanza rwimurirwa ku yindi tariki cyangwa gusaba ko ruburanishwa uregwa adahari, hasuzumwa imyanzuro yatanze; urukiko rwemeje kuburanisha urubanza SOMIDEMU Ltd idahari, rugasuzuma umwanzuro wayo.

## **II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA**

### **a. Gusuzuma niba abarega bagombaga guhabwa indishyi z' akababaro kurwego rwa mbere.**

[9] Uhagarariye Hategekimana Felicien na bagenzi be avuga ko nkuko babisobanuye, Kayitabo Jean Damascene yitabye Imana kuwa 13/02/2016 azize impanuka yabereye mu kirombe cya sosiyete y'ubucukuzi bw'amabuye y'agaciro yitwa SOMIDEMU (Societe Minière de Mugesera) nkuko bigaragazwa n'icyemezo cy'uko atakiraho cyatanzwe n'Umurenge wa Musebeya kuwa 10/06/2016. Iyo sosiyete ikaba yaragiranye amasezerano y'ubwishingizi na Sonarwa General Insurance Company Ltd nkuko bigaragazwa n'amasezerano yakozwe kuwa 07/09/2015 agashyirwaho umukono n'impende zombi. Nyuma y'uko Kayitabo Jean Damascene yitaba Imana abarega bamukomokaho bagiye basaba Sonarwa General Insurance Company Ltd nka sosiyete y'ubwishingizi yagiranye amasezerano na SOMIDEMU ko bahabwa indishyi zikomoka kuri iyo mpanuka yanateje urupfu rwa Kayitabo Jean Damascene ariko Sonarwa ntinasubize amabaruwa yabaga yandikiwe nk'uko bigaragazwa n'amabaruwa yanditswe n'umwana wa nyakwigendera witwa Hategekimana Felicien.

[10] Uhagarariye Hategekimana Felicien na bagenzi be avuga ko abakomokakuri nyakwigendera bakomeje gusaba Sonarwa General Insurance Company Ltd ko yabishyura amaso ahera mu kirere, bakabatuma ibyangombwa buri gihe bakabizana, bagategereza bagaheba, kugeza n'ubwo Sonarwa General Insurance Company Ltd yanze kwishyura ivuga ko SOMIDEMU itubahirije amasezerano kuko yasabwe kuzana list y'abo yafatiye ubwishingizi izana umubare urenze uwo bumvikanye. Kugeza ubwo abarega babonye ko bitagishobotse ko bahabwa izo ndishyi ku bwumvikane, batanga

ikirego mu rukiko rwisumbuye rwa Nyarugenge kugira ngo babashe guhabwa indishyi zikomoka ku mpanuka nk'uko biteganywa n'amategeko. Kubera koNyakwigendera Kayitabo Jean Damascene yasize abana batandatu aribo Hategekimana Felicien, Nyirabahire Martha, Nyirahavugimana, Dusengumuremyi Marie Rose, Uwiringiyimana Vincente na Nshimiyimana Appolinaire nkuko bigaragazwa n'ibyemezo by'amavuko byabo bari basabyeko bakwishyurwa indishyi z'akababaro zingana na 24,000,000frw, n'ukuvuga 4,000,000frw kuri buri mwana kubera igihombo bagize ndetse n'akababaro batewe no kuba barabuze umubyeyi hanyuma ariko abaregwa bakanabatererana mu kibazo bari bagize; cyane cyane ko banditse incuro nyinshi basaba ko ikibazo cyabo cyakemuka ariko ntibahabwe igisubizo. Nubu rero mu bujurire abarega baracyasaba izo ndishyi ko bazihabwa nkuko biteganywa n'ingingo ya 81 y'itegeko N° 45/2011 ryo kuwa 25/11/2011 rigenga amasezerano. Ingingo ya 81 y'itegeko N° 45/2011 ryo kuwa 25/11/2011 rigenga amasezerano. Ko icyo baregeye n'amasezerano yari hagati y'umukoresha na Sonarwa.

[11] Uhagarariye Sonarwa General Insurance Company Ltd avuga ko abarega basaba indishyi z'akababaro za 24.000.000frw ahwanye na 4.000.000frw kuri buri wese. N'ubwo izi ndishyi zitareba Sonarwa kuko itazishingiye nk'uko Urukiko rubanza rwabibonye, n'iyo ziba ziyireba, ntibyumvikana ukuntu abantu baba bafite uburenganzira kuri 1.000.000frw gusa, basaba indishyi z'akababaro za 24.000.000frw ngo kuko batabonye 1.000.000frw. Izi ndishyi rero n'iyo zatangwa, zatangwa na SOMIDOMU Ltd kuko zitishingiwe na Sonarwa kandi ingingo ya 64 y'Itegeko rigenga amasezerano igomba kubahirizwa n'impande zose.

[12] Uhagarariye Sonarwa General Insurance Company Ltd avuga ko mu rukiko rubanza, Sonarwa yavugaga ko 1.000.000frw yategetswe kwishyura itayatanga kuko SOMIDEMU yayibeshye ku mubare w'abakozi yishingiye, ariko Urukiko ntirwabyitaho. Ishingiye ku ngingo ya 152 ya CPCSSA, Sonarwa ikoze ubujurire bwuririye ku bwa Hategekimana na bagenzi be igamije gusaba ko itakwishyura 1.000.000frw yategetswe kuko SOMIDEMU Ltd yayibeshye ku ngano z'abantu basabirwa kwishingirwa, bigatuma idasaba primes zihwanye na risques yari igiye gufata kandi ikaba itaragaraje uko ibintu biri. Hashingiwe kandi ku ngingo za 15 na 16 za D.L. N°20/75 du 20/06/1975 portant assurances en général, SOMIDEMU Ltd ntiyabwije ukuri Sonarwa umubare w'abakozi be, kuko yavuze ko afite abakozi 5 gusa nyamara afite 22. Kuba rero SOMIDEMU Ltd atarubahirije ibiteganywa n'ingingo ya 15 y'iyi D.L. igira iti: “ L'assuré doit déclarer exactement, lors de la conclusion du contrat, toutes les circonstances connues de lui qui sont de nature à faire apprécier par l'assureur les risques qu'il prend en charge”, bigira ingaruka ko contrat agiranye na Sonarwa yataye agaciro, kuko ingingo ya 16 igira iti: “ Les réticences et fausses déclarations intentionnelles de l'assuré entraînent nullité du contrat si elles ont modifié l'appréciation du risque pour l'assureur, de telle sorte que, l'assureur n'aurait pas traité ou aurait traité à des conditions plus onéreuses pour l'assuré s'il avait été exactement renseigné. Les primes payées restent acquises à l'assureur”. Bagasanga iyo SOMIDEMU Ltd ibwira Sonarwa ko ifite abakozi 22 aho kuba 5, ntabwo aba yaraciwe primes yaciwe ahubwo aba yariyongereye cyane cyangwa se na Sonarwa ikanga kumwishingira. Ku bw'ibyo, ntacyo Sonarwa ikwiriye kubazwa, ahubwo izi ndishyi zasabwa SOMIDEMU Ltd. Sonarwa rero isanga SOMIDEMU Ltd yarishe ibiteganywa n'ingingo ya 64 y'itegeko rigenga amasezerano. Ishingiye ku ngingo ya 80 al. 2 y'Itegeko rigenga amasezerano, Sonarwa iremeza ko kuba SOMIDEMU yarabeshye, bihwanye no kwica amasezerano. Hashingiwe kandi ku ngingo ya 84 y'Itegeko rigenga amasezerano, ntabwo amasezerano ya SOMIDEMU Ltd yakagombye gutuma Hategekimana na bagenzi be basaba ko Sonarwa yishyura kandi amasezerano aherwaho mu gusaba indishyi yarishwe. Hashingiwe ku ngingo ya 85. Y'Itegeko ry'amasezerano, SOMIDEMU yakabije gukora ibyo itari yemerewe, bivuze ko nta ndishyi zatangwa na Sonarwa.

[13] Uhagarariye SOMIDEMU Ltd avuga mu mwanzuro we basanga koko nkuko abarega babivugaga bari bakwiye guhabwa indishyi z'akababaro zo kuba barasiragijwe mu manza kubera kutubahiriza amasezerano kwa Sonarwa. Kandi ingingo bagaragaje ko SOMIDEMU Ltd yari yafashe

ubwishingizi bw'abakozi kandi ntabwo umubare yafatiye ubwishingizi warenze kuko uwitabye Imana ni umwe bityo rero nta mpamvu yari ihari ituma Sonarwaitubahiriza amasezerano.

[14] Hategekimana Felicien na bagenzi be bavuga ko ibyo Sonarwa ivuga nta shingiro bifite kuko uwitabye Imana ni umwe kandi SOMIDEMU Ltd yari yafashe ubwishingizi bw'abantu batanu. Bityo ibyo bavuga byose ntashingiro bifite.

## **UKO URUKIKO RUBIBONA**

[15] Urukiko rusanze Sonarwa G.I.Co. Ltd yagiranye na SOMIDEMU Ltd (Societe Miniere de Mugesera) ku wa 07/9/2015 amasezerano y'ubwishingizi bw'abakozi batanu (5), bemeranya ko agomba gutangira kugira agaciro ku wa 07/9/2015 kugeza ku wa 06/09/2016, ko Sonarwa G.I.Co. Ltd yemeye kujya yishyura indishyi zingana na miliyoni imwe (1,000,000Frw) ku mukoziuzaba yagize impanuka agapfa cyangwa uzaba yagize ubumuga bwa budundu;

[16] Hashingiwe ku ngingo ya 64 y'itegeko N°45/2011 ryo kuwa 25/11/2011 rigenga amasezerano iteganya ko amasezerano akozwe ku buryo bukurikije amategeko aba itegeko ku bayagiranye. Ashobora guseswa ari ukobabyumvikanyeho cyangwa ku mpamvu zemewe n'amategeko. Agomba kubahirizwa nta buriganya;

[17] Urukiko rusanze harabaye impanuka mu kirombe ku itariki ya 13/2/2016, igahitana umukozi umwe kandi SOMIDEMU Ltd yari yafatiye ubwishingizi abakozi batanu (5) muri Sonarwa G.I. Co Ltd ; rurasanga indishyi zisabwan'abarega zingana na miliyoni imwe (1,000,000Frw) zigomba kwishyurwa na Sonarwa General Insurance Company Ltd kuko bikurikije amasezerano SOMIDEMU Ltd yagiranye na Sonarwa G.I. Co Ltd, amasezerano y'ubwishingizi bw'abakozi batanu (5), kuko impanuka yahitanye umukozi umwe. Rusanze izo ndishyi zingana na 1000.000frw ziteganyijwe mu masezerano y'ubwishingizi hagati ya SOMIDEMU Ltd na Sonarwa G.I. Co Ltd, arizo zigomba gutangwa; rusanze ariko indishyi z'akababaro zitagomba gutangwa muri uru rubanza kuko zidateganyijwe mu masezerano y'ubwishingizi, cyane cyane ko ikirego gishingiye ku masezerano SOMIDEMU Ltd yagiranye na Sonarwa G.I. Co Ltd.

### **b. Gusuzuma niba abarega bakwiye guhabwa igihembo cy'Avoka, n'amafaranga y'ikurikiranarubanza.**

[18] Uhagarariye Hategekimana Felicien na bagenzi be avuga ko kubera uburyo basiragijwe mu manza barasaba ko mu rwego rw'ubujurire bahabwa 500,000frw y'igihembo cy'Avoka, bagahabwa amafaranga y'ikurikiranarubanza angana na 200,000frw kubera kutubahiriza amasezerano yakozwe hagati ya SOMIDEMU (Societe Miniere de Mugesera)na Sonarwa General Insurance Company Ltd ariko bakaba batarayubahirije impanuka yahitanye umubyeyi w'abarega yamara kuba bagasigana kwishyurakugeza ubwo byaje mu manza.

[19] Uhagarariye Sonarwa General Insurance Company Ltd avuga ko Hategekimana na bagenzi be barasaba indishyi za 700.000 frw (igihembo cya Avocat n'ikurikiranarubanza) Sonarwa na SOMIDEMU ngo kuko amasezerano hagati ya SOMIDEMU na SONARWA atubahirijwe. Kubera ariko ko ikirego cyatanzwe ar'icyubushotoranyi, hashingiwe ku ngingo ya 111 ya CPCCSA, SONARWA irasaba ko abaregwa bategekwa kwishyura 1.000.000frw yo gukurikirana urubanza no guhamba Avocat.

[20] Uhagarariye SOMIDEMU Ltd mu mwanzuro we avuga ko basanga bazihabwa ariko bakazihabwa na Sonarwa kuko niyo yabashoye muri izimanza kuko iyo iza kwishyura ntizari kubaho.

## **UKO URUKIKO RUBIBONA**

[21] Urukiko rusanze kuba ubujurire bwatanzwe na Dusengumuremyi Marie Rose, Hategekimana Felicien, Nshimiyimana Appolinaire, Nyirabahire Martha, Nyirahavugimana, N’uwiringiyimana Vincente budafite ishingiro, indishyi zisabwa z’ikurikirana rubanza n’igihembo cy’avoka zitagomba gutangwa. Rusanze kandi indishyi zisabwa na Sonarwa G.I. Co Ltd zitagomba gutangwa kuko ubujurire bwabo bwuririye ku bundi, basabamo kutishyura indishyi zijyanye n’amasezerano y’ubwishingizi, budafite ishingiro.

### **III. ICYEMEZO CY’URUKIKO**

[22] Rwemeje kwakira ubujurire bwatanzwe na Dusengumuremyi Marie Rose, Hategekimana Felicien, Nshimiyimana Appolinaire, Nyirabahire Martha, Nyirahavugimana, N’uwiringiyimana Vincente, rubusuzumye rusanze budafite ishingiro.

[23] Rwemeje ko ubujurire bwuririye ku bundi bwatanzwe na Sonarwa General Insurance Co Ltd budafite ishingiro.

[24] Rwemeje ko urubanza RC00897/2018/TGI/NYGE rwaciwe kuwa 25/11/2019 n’urukiko rwisumbuye rwa Nyarugenge rudahindutse.

[25] Rutegetse ko amafaranga 40.000frw y’amagarama yatanzwe na D usengumuremyi Marie Rose n’abagenzi be barega ahwanye n’ibyakoze mu rubanza.