SANLAM AG PLC v ABAGIZE UMURYANGO WA IGIRIMPUHWE

[Rwanda URUKIKO RUKURU– RCA 00076/2021/HC/MUS (Mukamuhire P.J.) 28 Ugushyingo 2022]

Amategeko agenga imanza z'imbonezamubano – Iteka rya perezida rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga – Indishyi zisabwa n'umugenzi mu modoka yakoze impanuka – Mu manza z'ubwishingizi, igihe cyose nta kigaragaza ko uwahitanywe n'impanuka yari umukozi kuri iyo modoka, afatwa nkundi wese (tiers) wahitanywe n'impanuka – Indishyi zikabarwa hakurikijwe Iteka rya perezida N^{0} 31/01 ryo kuwa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga.

Incamake y'ikibazo: Uru rubanza rwatangiye ababyeyi n'abavandimwe ba nyakwigendera Igirimpuhwe barega SANLAM AG PLC mu Rukiko Rwisumbuye rwa Rubavu basaba indishyi zitandukanye zikomoka ku mpanuka imodoka TRUCK JAC RAD 159 B ifite ubwishingizi muri SANLAM AG PLC yakoze ubwo yagonganaga n'imodoka JEEP SUZUKI RAB 884 Q, Igirimpuhwe wari uri uyirimo agapfa, abarega bakagerageza inzira yo kumvikana na SANLAM AG PLC bikananirana. Urukiko Rwisumbuye mu rubanza RC 00185/2020/TGI/RBV, rwemeje ko ikirego cy'abaregeye indishyi gifite ishingiro, rubagenera indishyi zitandukanye.

SANLAM ntiyishimiye imikirize y'urwo rubanza, barujuririra mu rukiko rukuru, urugereko rwa Musanze, abayihagarariye, bavuga ko impamvu yatumye SANLAM ijurira aruko urukiko rwisumbuye rwa Rubavu rwafashe nyakwigendera Igirimpuhwe wakoreye impanuka mu modoka yo mu bwoko bwa TRUCK JAC RAD 159 B nka "Tiers" nyamara yari "occupant" kuko yari Kigingi (Boy chauffeur) w'iriya modoka. Bavuga ko Abaregera indishyi batagombaga kugenerwa indishyi hashingiwe ku Iteka rya Perezida N^{o} 31/01 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga, ahubwo hari gushingirwa ku masezerano y'umwihariko SANLAM yagiranye na nyir'iriya modoka aho basezeranye ko mu gihe habayeho impanuka maze hakagira umuntu upfa, icyo gihe SANLAM itanga 3.000.000Frws ku muryango wa nyakwigendera.

uhagarariye abaregera indishyi bose yavuze ko urukiko Rwisumbuye rwa Rubavu rwaciye urubanza neza, mu buryo bwubahirije amategeko kuko nyakwigendera Igirimpuhwe atari Boy chauffeur muri iriya modoka yakoze impanuka ahubwo yari umugenzi usanzwe udafite aho ahuriye n'iriya modoka (Tiers) cyane ko nta kimenyetso abahagarariye SANLAM bagaragaza cy'uko yari umukozi wa nyir'iriya modoka, asaba urukiko kwemeza ko urubanza rwajuririwe rudahindutse.

Urukiko rwemeje ko nta kimenyetso kidashidikanywaho kigaragaza nta shiti ko nyakwigendera yari boy chauffeur kuri iriya modoka. Kuba yari ari mu modoka imbere ntibivuze ko yari ayifiteho akazi, no kuba nyir'imodoka yaravuze ko yari boy-chauffeur, nta masezerano agaragaje, nta naho agaragaje yamuhemberaga, ntibyafatwaho ukuri kuko imvugo ye yari ikwiye gushyigikirwa n'ibindi bimenyetso byerekana koko ko nyakwigendera yari umu boy-chauffeur kuri iriya modoka.

Incamake y'icyemezo: Mu manza z'ubwishingizi, igihe cyose nta kigaragaza ko uwahitanywe n'impanuka yari umukozi kuri iyo modoka, afatwa nkundi wese (tiers) wahitanywe n'impanuka bityo akabarirwa indishyi hashingiwe ku Iteka rya Perezida Nº 31/01 ryerekeye imyishyurire y'abangirijwe n'impanuka zatewe n'ibinyabiziga bigenzwa na moteri aho kubarirwa indishyi hashingiwe ku masezerano y' ubwishingizi agenera umwe mu bagenzi (occupant) indishyi zuko yazize impanuka.

Amategeko yashingiweho:

Itegeko Nº 22/2018 ryo ku wa 29/04/2018 Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, Ingingo ya 111

Itegeko Nº 15/2004 ryo kuwa 12/6/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 3

Iteka rya perezida N^{0} 31/01 ryo kuwa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga.

Nta manza ifashishijwe.

Inyandiko z'abahanga zifashishijwe:

https://assurance-auto.dispofi.fr/assurance-tiers-responsabilite-civile, consulte le 24/11/2022

Urubanza

I. IMITERERE Y'URUBANZA

[1] Ku wa 03/09/2020, mu mudugudu wa Bazirete, akagari ka Nyarushyamba, Umurenge wa Nyakiriba, akarere ka Rubavu, habereye impanuka, ubwo imodoka yo mu bwoko bwa TRUCK JAC RAD 159 B yari itwawe na Kalisa Mukama Joseph yagonganye n'imodoka JEEP SUZUKI RAB 884 Q, yari itwawe na Mbonigaba Paul, zajyaga mu byerekezo bitandukanye, zombi ziragwa, maze Igirimpuhwe Tito wari mu mudoka TRUCK JAC RAD 159 B ahita apfa. Nyuma yo kudashobora kumvikana na SANLAM AG PLC ku ndishyi zikomoka kuri iyo mpanuka yahitanye Igirimpuhwe Tito, abarega muri uru rubanza baregeye Urukiko Rwisumbuye rwa Rubavu, barusaba gutegeka SANLAM AG PLC kubaha indishyi zitandukanye zikomoka kuri iyo mpanuka.

[2] Urukiko rwisumbuye rwa Rubavu rwaregewe ku rwego rwa mbere, rwemeje ko ikirego cy'abaregeye indishyi gifite ishingiro, rubagenera indishyi ziteye zitya :

Indishyi z'ibangamirabukungu : 6.727.273Frws ;

Indishyi z'akababaro (kuri se na nyina ba nyakwigendera) : 1.620.000 Frws ;

Indishyi z'akababaro (ku bavandimwe ba nyakwigendera 8): 4.320.000 Frws;

Indishyi z'andi mafaranga yakoreshejwe : 1.663.000 Frws ;

20.000 Frws y'ingwate y'amagarama batanze barega.

[3] SANLAM ntiyishimiye imikirize y'urubanza, barujuririra mu rukiko rukuru, urugereko rwa Musanze. Me Niyondora Nsengiyumva na Me Nkeza Sempundu Clement bayihagarariye,

bavuze ko impamvu yatumye SANLAM ijurira aruko urukiko rwisumbuye rwa Rubavu rwafashe nyakwigendera Igirimpuhwe Tito wakoreye impanuka mu modoka yo mu bwoko bwa TRUCK JAC RAD 159 B nka “Tiers” nyamara yari “occupant” kuko yari Kigingi (Boy chauffeur) w’iriya modoka nk’uko byavuzwe na nyir’imodoka ubwo yajyaga kumenyekanisha ko ikinyabiziga cye cyakoze impanuka. Abaregera indishyi rero bakaba bataragombaga kugenerwa indishyi hashingiwe ku Iteka rya Perezida N° 31/01 ryo kuwa 25/08/2003 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw’umubiri buturutse ku mpanuka zitewe n’ibinyabiziga, ahubwo hari gushingirwa ku masezerano y’umwihariko SANLAM yagiranye na nyir’iriya modoka yakoze impanuka aho basezeranye ko mu gihe habayeho impanuka maze hakagira umuntu upfa, icyo gihe SANLAM itanga 3.000.000Frws ku muryango wa nyakwigendera.

[4] Me Tugirimana Vincent ahagarariye abaregera indishyi bose yavuze ko urukiko rwisumbuye rwa Rubavu rwaciye urubanza neza, mu buryo bwubahirije amategeko kuko nyakwigendera Igirimpuhwe Tito atari Boy chauffeur muri iriya modoka yakoze impanuka ahubwo yari umugenzi usanzwe udafite aho ahuriye n’iriya modoka (Tiers) cyane ko nta kimenyetso abahagarariye SANLAM bagaragaza cy’uko yari umukozi wa nyir’iriya modoka, asaba urukiko kwemeza ko urubanza rwajuririwe rudahindutse.

Urukiko rugiye gusuzuma ibibazo bikurikira :

Kumenya niba nyakwigendera Igirimpuhwe Tito yari Kigingi (boy-chauffeur) ku modoka TRUCK JAC RAD 159 B (occupant) cyangwa niba yari umugenzi usanzwe udafite aho ahuriye nayo (Tiers) ;

Kumenya niba indishyi zagenewe abaregera indishyi ku rwego rwa mbere zubahirije amategeko;

Kumenya niba indishyi zasabwe muri uru rubanza mu bujurire zifite ishingiro.

II. ISESENGURA RY’IBIBAZO BIGIZE URUBANZA:

Kumenya niba nyakwigendera Igirimpuhwe Tito yari Kigingi (boy-chauffeur) ku modoka TRUCK JAC RAD 159 B (occupant) cyangwa niba yari rubanda, umugenzi usanzwe udafite aho ahuriye nayo (Tiers);

[5] Ingingo ya 3 y’Itegeko N° 15/2004 ryo kuwa 12/6/2004 ryerekeye ibimenyetso mu manza n’itangwa ryabyo iteganya ko buri muburanyi agomba kugaragaza ukuri kw’ibyoaburana.

[6] Uru rubanza rwaburanishijwe ku rwego rwa mbere mu rukiko rwisumbuye rwa Rubavu, SANLAM idahagarariwe, urukiko rushingiye ku bigize dosiye byose, rwemeje ko ikirego cy’abaregera indishyi gifite ishingiro, rubagenera indishyi zinyuranye nk’uko bari bazisabye.

[7] Me Niyondora Nsengiyumva na Me Nkeza Sempundu Clement bahagarariye SANLAM, bavuze ko impamvu yatumye SANLAM ijurira aruko urukiko rwageneye abarega indishyi zinyuranye rushingiye ku Iteka rya Perezida N°31/01 ryo ku wa 25/08/2003 ryo kuwa 15/09/2003. Nyamara iryo teka rireba rubanda (tiers) wahohotewe n’ikinyabiza ntabwo rireba “occupant” cyangwa umukozi (boy-chauffeur). Nyamara ikidashidikanywa ho nuko nyakwigendera Igirimpuhwe Tito yari mu modoka Truck Jac RAD 159B nka occupant/Boy chauffeur, ntabwo ari rubanda (tiers) wagonzwe n’iyo modoka ahubwo inyandiko-mvugo y’Ubugenzacyaha

n'inyandiko-mvugo y'ibazwa rya Kaboneka Yavan (umubyeyi wa nyakwigendera) ndetse n'inyandiko y'imenyekanisha ry'impanuka igaragaza ko Igirimpuhwe Tito yari boy-chauffeur mu modoka Truck Jac RAD 159B. Ibi rero bigahuzwa nuko iyo modoka yari igenewe gutwara imizigo ariko nyirayo akaba yarafatiye ubwishingizi bwihariye abandi bantu yatwara (aha twavuga boy-chauffeur) kandi batarengeje imyanya y'iyo modoka. Ibi bikumvikanisha ko Boy-chauffeur atafatwa nka tiers ahubwo yari "occupant" muri iyo modoka.

[8] Bakomeje bavuga ko ibimaze gusobanurwa haruguru bishimangirwa n'isesengura ryakozwe n'urukiko rukuru mu rubanza RCA00064/2018/HC/KIG aho rugaragaza ko kigingi adashobora gufatwa nka "tiers" ugenerwa indishyi hashingiwe ku Iteka rya Perezida ryasobanuwe haruguru, basaba uru rukiko kuzashingira kuri ruriya rubanza maze bakemeza ko abaregera indishyi muri uru rubanza bagombaga kugenerwa indishyi zingana na 3.000.000Frws yemejwe mu masezerano yo kuwa 19/12/2019 Herboristerie Maranatha Ltd yagiranye na SANLAM kuko nyakwigendera Igirimpuhwe Tito yari boy-chauffeur muri iriya modoka atari rubanda.

[9] Me Tugirimana Vincent ahagarariye abaregera indishyi bose yavuze ko kuba Igirimpuhwe Tito yaragize impanuka y'imodoka JAC ifite plaque RAD 159 B yari itwawe na Kalisa Mukama Joseph, kandi akaba atari umukozi muri iyo modoka nk'uko SANLAM ibivuga, akaba ntacyo apfana na Manirakiza Celestin wabivuze kandi ntibamuzi, n'ibyo yavuze ntibazi aho yabikuye, imvugo ye idakwiye gushingirwaho mu gihe nta kimenyetso kiyishimangira mu imenyekanisha ry'iyo mpanuka kuwa 25/08/2020, bityo ko atarebwa n'ariya masezerano yo kuwa 19/12/2019 Herboristerie Maranatha Ltd yagiranye na SANLAM, indishyi zigomba kugenerwa abaregera indishyi ntizashingira ku masezerano yihariye y'ubwishingizi SANLAM yagiranye na nyir'iyo modoka, kuko ayo masezerano yihariye atamureba kuko nta masezerano y'akazi yari afitanye na nyir'imodoka, hakaba hagenwa indishyi hashingiwe ku ngingo ya 21,22 na 23 by'Iteka rya Perezida Nº 31/01 ryo kuwa 25/08/2003 ryerekeye imyishyurire y'abangirijwe n'impanuka zatewe n'ibinyabiziga bigenzwa na moteri kandi bigenda ku butaka nk'uko zabazwe n'urukiko Rwisumbuye rwa Rubavu. Yasoje asaba urukiko kwemeza ko indishyi zagenwe ku rwego rwa mbere zigumyeho kuko zikurikije amategeko.

[10] Mu gusesengura dosiye, urukiko rwasanze mu nyandiko imenyekanisha impanuka yakozwe n'imodoka Truck Jac RAD 159B, nyir'imodoka yaravuze ko mu modoka harimo abantu babiri, Kalisa Mukama Joseph wari uyitwaye na Igirimpuhwe Tito, bombi bakaba barapfuye bazize iriya mpanuka, ariko ntaho yavuze ko Igirimpuhwe Tito yari Boy-Chauffeur w'iriya modoka. Urukiko rwabonye indi nyandiko yanditswe na Manirakiza Celestin yanditswe kuwa 25/8/2020, havugwamo ko muri iriya modoka yakoze impanuka harimo umu chauffeur Kalisa Mukama Joseph na boyi shoferi witwa Igirimpuhwe Tito nyamara nta kimenyetso yagaragaje cyemeza ko nyakwigendera Igirimpuhwe Tito yari boy-chauffeur kuri iriya modoka nk'uko biteganywa n'iriya ngingo ya 3 y'itegeko ryerekeye ibimenyetso mu manza n'itangwa ryabyo yavuzwe haruguru.

[11] Urukiko rwasanze kandi muri dosiye inyandiko-mvugo ya Kaboneka Yavan, se wa Nyakwigendera Igirimpuhwe Tito atanga ikirego mu Bugenzacyaha, aho bamubajije niba umwana we avuga ko yishwe n'imodoka yari mu modoka cyangwa niba yaragendaga n'amaguru, asubiza ko yari mu modoka hamwe na shoferi.

[12] Ibivuzwe mu gika kibanziriza iki ni ibimenyetso abahagarariye SANLAM batanze bavuga ko bigaragaza ko Igirimpuhwe Tito yari boy chauffeur w'imodoka yakoze impanuka ko kubera iyo mpamvu abaregera indishyi bagomba kugenerwa indishyi hashingiwe ku masezerano y'ubwishingizi nyir'imodoka yagiranye na SANLAM aho gushingira ku Iteka rya Perezida ryavuzwe haruguru.

[13] Mu gusesengura ziriya nyandiko zatanzwe n'abahagarariye SANLAM nk'ibimenyetso bigaragaza ko nyakwigendera Igirimpuhwe yari boy chauffeur mu modoka Truck Jac RAD 159B, urukiko rwasanze nta kimenyetso gifatika kirimo kigaragaza nta shiti ko nyakwigendera yari boy chauffeur muri iriya modoka. Kuba yari ari mu modoka imbere byo ntibishidikanywa, ariko kuba nyir'imodoka yaravuze ko yari boy-chauffeur, nta masezerano agaragaje, ntaho agaragaje yamuhemberaga, ibi ntibyafatwaho ukuri kuko imvugo ye yari ikwiye gushyigikirwa n'ibindi bimenyetso byerekana koko ko nyakwigendera yari umu boy-chauffeur muri iriya modoka, nibwo byari kuba byubahirije ibiteganywa n'iriya ngingo ya 3 y'Itegeko ryerekeye ibimenyetso mu manza n'itangwa ryabyo ryavuzwe haruguru.

[14] Muri dosiye, urukiko rwasanze mo kandi inyandiko yatanzwe n'ubuyobozi bw'umudugudu wa Gabiro, akagari ka Kirimbogo, yahamije ko nyakwigendera Igirimpuhwe Tito yabanaga n'ababyeyi be, akaba ari we wajyaga guca incuro akabashakira ibibabeshaho kuko bo bageze mu zabukuru. Iyi nyandiko nayo ntiyafatwa nk'ikimenyetso gihamya ko nyakwigendera Igirimpuhwe yari boy- chauffeur ahubwo havugwamo gusa ko yajyaga guca incuro, guca incuro rero ntibivuga ko yari boy-chauffeur byanze bikunze kuko umuntu ashobora guca incuro akora indi mirimo atari imirimo ya boy-chauffeur.

[15] Hashingiwe ku bimaze kuvugwa haruguru, urukiko rurabona nta bimenyetso bihari bigaragaza ko nyakwigendera Igirimpuhwe Tito yari umukozi kuri iriya modoka yakoze impanuka, kuba yari ari muri iriya modoka byonyine rero ntibihagije ngo yitwe boy-chauffeur, kuko aka ni akazi kagombaga gutangirwa ibimenyetso na nyir'imodoka uretse kubivuga mu magambo gusa, bityo rero akaba agomba gukomeza gufatwa nka rubanda ugereranyije n'iriya modoka (Tiers).

[16] Ibimaze kuvugwa mu gika kibanziriza iki birashimangirwa n'ibyavuzwe n'abahanga mu mategeko aho basobanuye ko "un tiers est un passager de votre véhicule, un piéton ou cycliste, l'occupant d'un véhicule stationné, l'occupant d'une habitation ou d'un commerce avec lequel votre véhicule entrerait en collision »[1]

Kumenya niba indishyi zagenewe abaregera indishyi ku rwego rwa mbere zubahirije amategeko:

[17] Abahagarariye SANLAM muri uru rubanza basabye urukiko kwemeza ko nyakwigendera Igirimpuhwe Tito yari "occupant" aho kuba "tiers", maze rugategeka ko indishyi zagenewe abaregera indishyi ku rwego rwa mbere zikuweho, rukabagenera indishyi zingana na 3.000.000Frws ziri mu masezerano SANLAM yagiranye na nyir'iriya modoka yakoze impanuka.

[18] Me Tugirimana Vincent ahagarariye abaregera indishyi bose, yavuze ko ariya masezerano avugwa n'abahagarariye SANLAM atarebaga Igirimpuhwe Tito kuko atari umukozi wa

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[1] https://assurance-auto.dispofi.fr/assurance-tiers-responsabilite-civile , consulte le 24/11/2022

nyir'imodoka yakoze impanuka igahitana ubuzima bwe, bityo ko kuvuga ko abaregera indishyi bagenerwa indishyi zivugwa muri ariya masezerano nta gaciro byahabwa, ahubwo izo bagenewe ku rwego rwa mbere nizo zigomba kugumaho kuko zagenwe mu buryo bwubahirije amategeko.

[19] Nk'uko byasobanuwe mu isesengura ry'ikibazo cya mbere muri uru rubanza, aho urukiko rwagaragaje ko nyakwigendera Igirimpuhwe Tito atari Boy-chauffeur w'imodoka Truck Jac RAD 159B yakoze impanuka, bivuga ko abagize umuryango we bagombaga kugenerwa indishyi basabye hashingiwe ku Iteka rya Perezida ryavuzwe haruguru kandi niko urukiko rwisumbuye rwa Rubavu rwabigenje, bityo indishyi abaregera indishyi bagenewe ku rwego rwa mbere zikaba zigomba kuguma uko zagenwe kuko zagenwe mu buryo bwubahirije amategeko.

[20] Abahagarariye SANLAM muri uru rubanza basabye urukiko kuzashingira ku rubanza RCA00064/2018/HC/KIG aho urukiko rukuru rwa Kigali rwagaragaje ko Kigingi adashobora gufatwa nka "tiers" ugenerwa indishyi hashingiwe ku Iteka rya Perezida ryasobanuwe haruguru, maze bakemeza ko abaregera indishyi muri uru rubanza bagombaga kugenerwa indishyi zingana na 3.000.000Frws yemejwe mu masezerano yo kuwa 19/12/2019 Herboristerie Maranatha Ltd yagiranye na SANLAM kuko nyakwigendera Igirimpuhwe Tito yari boy-chauffeur muri iriya modoka atari rubanda. Icyifuzo cyabo rero nta shingiro gifite kuko byamaze gusobanurwa haruguru ko nyakwigendera Igirimpuhwe Tito atari Kigingi (Boy-chauffeur) w'iriya modoka yakoze impanuka, ruriya rubanza bavuze rukaba ntacyo rwafasha kuko ibiruvugwamo bitandukanye n'ibivugwa muri uru.

Kumenya niba indishyi zasabwe muri uru rubanza mu bujurire zifite ishingiro:

[21] Ingingo ya 111 y'itegeko N° 22/2018 ryo ku wa 29/04/2018 Itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko ikirego cy'amafaranga y'ikurikiranarubanza ni ikirego gishamikira ku kirego cy'iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. Ikirego cy'amafaranga y'ikurikiranarubanza kiburanishirizwa rimwe n'ikirego cy'iremezo.

[22] Me Tugirimana Vincent ahagarariye abaregera indishyi bose yasabye urukiko kubagenera indishyi z'akababaro n'izo kubasiragiza mu manza ku maherere, ngo hakazashingirwa ku ngingo ya 111 y'itegeko ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi. Gusa nta mubare yigeze avuga w'indishyi basaba kugenerwa n'urukiko.

[23] Abahagarariye SANLAM ntacyo bigeze bavuga ku ndishyi zasabwe n'abaregera indishyi.

[24] Mu gusesengura dosiye urukiko rwasanze abaregera indishyi muri uru rubanza barasabye urukiko kutegeka SANLAM kubaha indishyi z'akababaro n'izo kubashora mu manza, hagashingirwa kuri iriya ngingo ya 111 yavuzwe haruguru ariko ntibavuga umubare w'indishyi basaba kugenerwa n'urukiko. Nta hantu rero urukiko rwahera rubagenera indishyi basabye. Icyakora kuko ku rwego rwa mbere, urukiko rwisumbuye rwa Rubavu rwari rwabageneye igihembo cya Avocat kingana na 1.000.000Frws, kuri uru rwego rw'ubujurire naho bakaba barahagarariwe na Avocat, bagomba kugenerwa igihembo cya Avocat kingana na 500.000Frws nk'uko biteganywa n'Amabwiriza agena ibihembo mbonera by'Abavoka.

III. ICYEMEZO CY'URUKIKO

[25] Urukiko rwemeje ko ubujurire bwa SANLAM nta shingiro bufite.

[26] Urukiko rwemeje ko indishyi zagenewe abaregera indishyi ku rwego rwa mbere zagenwe mu buryo bwubahirije amategeko, zikaba rero zidahindutse.

[27] Urukiko rutegetse SANLAM guha Kaboneka Yavan na bagenzi be indishyi ziteye zitya:

Indishyi z'ibangamirabukungu: 6.727.273Frws;

Indishyi z'akababaro (kuri se na nyina ba nyakwigendera): 1.620.000Frws;

Indishyi z'akababaro (ku bavandimwe ba nyakwigendera): 4.320.000Frws;

Indishyi z'andi mafaranga yakoreshejwe: 1.663.000Frws;

Ingwate y'amagarama batanze barega : 20.000Frws ;

Igihembo cya Avocat : 500.000Frws (agenwe mu bujurire).

[28] Urukiko rutegetse ko imikirize y'urubanza RC00185/2020/TGI/RBV rwaciwe n'urukiko rwisumbuye rwa Rubavu kuwa 12/11/2021, ihindutse ku byerekeye indishyi.

[29] Urukiko rutegetse ko ingwate y'amagarama y'urubanza yatanzwe na SANLAM ijurira ihwanye n'imirimo yakozwe muri uru rubanza.