

RWANDA / JUDGMENT

Re BITONDERUBUSA

RCAA0036/15/HC/KIG

COURT

High Court

DECIDED

18 June 2015

CASE / FILE NUMBER

RCAA0036/15/HC/KIG

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Re BITONDERUBUSA

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Text

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Re BITONDERUBUSA [Rwanda HIGH COURT – RCAA0036/15/HC/KIG (Nzabonimana, P.J.) June 18, 2015] Civil procedure – Application seeking to rectify a judgment – Applications seeking to rectify an apparent error on the record shall be decided in camera without adversarial arguments and without alteration regarding the winning party – Law no 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, article 154. Facts : Bitonderubusa filed a claim requesting to rectify the spelling mistakes which appeared in the appealed judgment in which Nambaje sued him. He continues in explaining that there was an error on the district which the appealed judgment was heard in because they use Nyarugenge instead of Gasabo and also there was an error on district of the origin for the respondent because they wrote Bugesera instead of Burera. Held : Applications seeking to rectify an apparent error on the record shall be decided in camera without adversarial arguments and without alteration regarding the winning party, therefore the judgment is rectified as follow: - The judgment RCA 0238/14/TGI/NYGE which was appealed and rendered by the Intermediate Court of Gasabo instead of being Intermediate Court of Nyarugenge - The paragraph 8 in the decision of the Court, the mentioned rulings is for the judgment RCA 0238/14/TGI/NYGE rendered by the Intermediate Court of Gasabo on 30

October 2014 instead of intermediate Court of Nyarugenge

- Bitonderubusa Jean Baptiste resides in Burera district, north province, instead of being Busera, west province. Application has merit. Statutes and statutory instruments referred to: Law no 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, article 154. No cases referred to.

Judgment

I. BRIEF BACKGROUND OF THE CASE

- [1] BITONDERUBUSA Jean Baptiste filed a claim in this Court which was recorded on RCAA0036/15/HC/KIG states that the judgment RCAA 0099/14/HC/KIG which NAMBAJE

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Francois appealed at the High Court whereby he sued him it appeared the spelling mistakes which he requests the Court to rectify.

- [2] He states that there was an error on the district which the appealed judgment was heard in because they use Nyarugenge instead of Gasabo. He states that there was an error on district of the origin for the respondent because they wrote Bugesera instead of Burera. II. VIEW OF THE COURT

- [3] The Court bases on article 154 of the law no 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, the judgment RCAA 0099/14/HC/KIG rendered by the High Court on 15 May 2015 is rectifies as follow:

- The judgment RCA 0238/14/TGI/NYGE which was appealed and rendered by the Intermediate Court of Gasabo instead of being rendered by the intermediate Court of Nyarugenge therefore in its paragraph 8 in the decision of the Court, the mentioned rulings is for the judgment RCA 0238/14/TGI/NYGE rendered by the Intermediate Court of Gasabo on 30 October 2014 instead of intermediate Court of Nyarugenge.
- Concerning the origin district of the respondent, the Court bases on the file of submitting a claim in this court it finds that Bitonderubusa Jean Baptiste resides in Burera district, north province, instead of being Busera, west province. III. DECISION OF THE COURT

- [4] It decides that Applications seeking to rectify the judgment RCAA 0099/14/HC/KIG rendered by the High Court on 15 May 2015 submitted by Bitonderubusa Jean baptiste has merit; [5] It holds that the judgment is rectified as follow: - The judgment RCA 0238/14/TGI/NYGE which was appealed and rendered by the Intermediate Court of Gasabo instead of being Intermediate Court of Nyarugenge - The paragraph 8 in the decision of the Court, the mentioned rulings is for the judgment RCA 0238/14/TGI/NYGE rendered by the Intermediate Court of Gasabo on 30 October 2014 instead of intermediate Court of Nyarugenge

- Bitonderubusa Jean Baptiste resides in Burera district, north province, instead of being Busera, west province.
- [6] It orders that this judgment to complete the judgment RCAA 0099/14/HC/KIG rendered by the High Court on 15 may 2015 rectified.

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