

RWANDA / JUDGMENT

EQUITY BANK RWANDA Ltd v. RUTAYISIRE

RCOMA 0133/15/HCC

COURT

Commercial High Court

DECIDED

8 April 2015

CASE / FILE NUMBER

RCOMA 0133/15/HCC

Source: amategeko.gov.rw · Research copy typeset by Esheria. Not court-issued or certified.

EQUITY BANK RWANDA Ltd v. RUTAYISIRE

- Source: Amategeko
- Section: Decisions (Judgements)
- Date: 2015-04-08
- Case/document no.: RCOMA 0133/15/HCC
- Collection: Commercial High Court

Text

Page 1

EQUITY BANK RWANDA Ltd v. RUTAYISIRE [Rwanda URUKIKO RUKURU RW'UBUCURUZI – RCOMA 0133/15/HCC (Nsengiyunva, P.J.) 08/04/2015] Amategeko agenga imiburanishirize y'imanza z'ubucuruzi – Ikirego cyihutirwa – Gusuzuma inzitizi – Umucamanza uburanisha ibirego byihutirwa asuzuma mbere yo gufata icyemezo, inzitizi zavuka mu rubanza aburanisha – Ntago umuburanyi yavuga ko ikirego cyihutirwa kitakwakirwa mu gihe ibisuzumwa muri icyo kirego bitabangamira urubanza rw'iremezo – Inzitizi y'iburabubasha bwo kutanga ikirego ntiyasuzumwa mu kirego cyihutirwa kuko umucamanza uburanisha ikirego cy'iremezo yemerewe gusuzuma ibirego byihutirwa byavuka mu rubanza rw'iremezo aburanisha, Itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, ingingo ya 316 n' iya 320. Amategeko agenga imiburanishirize y'imanza z'ubucuruzi – Agaciro k'icyemezo cy'ingwate – Guhagarikisha by'agateganyo by'icyemezo cy'ingwate – Kwegurira banki ingwate y'inzu mbere y'uko urubanza rw'iremezo ruburanishwa mu mizi biba binyuranyije n'amategeko – Ishirwa mu bikorwa ry'icyemezo cyo kwegurira banki ingwate y'inzu rigomba guhagarara by'agateganyo kugeza kugyeza urubanza rw'iremezo ruciwe burundu , Itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano,

iz'ubucuruzi, ingingo ya 316 n' iya 320. Amategeko agenga imiburanishirize y'imanza z'ubucuruzi – Amagarama y'urubanza mu kirego cyihutirwa – Mu kirego cyihutirwa nta ndishyi zijyanye n'ibyakoreshejwe zishobora gutangwa – Kuba ingwate y'amagarama aregerwa mu kirego cy'iremezo gusa, abari bategetswe kuyasubiza muri uru rubanza ntibagomba kuyatanga mu gihe icyemezo cyari cyafashwe kivuyeho, Itegeko n° 21/2012 ryo kuwa 14/06/2012, ingingo ya 320. Incamake y'ikibazo: Rutayisire Deo yatanze ikirego cyihutirwa mu Rukiko rw'Ubucuruzi rwa Nyamirambo asaba guhagarikisha ishyirwa mu bikorwa ry'icyemezo cyo kwegurira EQUITY BANK RWANDA Ltd ingwate y' inzu ye. Urukiko rurabimwemerera, rutegeka EQUITY BANK RWANDA Ltd, RDB na Kayonga Louise umwanditsi mukuru wa RDB kusubiza Rutayisire amafaranga yatanze arega. EQUITY BANK RWANDA Ltd yajuririye avuga ko Rutayisire Deo atari afite ububasha, Inyungu n'ubushobozi bwo gutanga ikirego kuko iryo yegurirwa ry'ingwate rikomoka ku masezerano yabaye hagati ya EQUITY BANK RWANDA Ltd na Sté la Difference Cosmetique. EQUITY BANK RWANDA Ltd ikomeza ivuga ko urukiko rwategetse ko kwegurira inzu biba bihagaze kugeza igihe urubanza rw'iremezo iburana na Sté la Difference Cosmetique ruciwe burundu kuko kuba RDB yareguriye inzu mbere yuko urubanza rucibwa mu mizi ari amakosa. Rutayisire we akavuga ko yari afite ububasha, inyungu n'ubushobozi bwo gutanga ikirego kuko icyihutirwaga ari uguhagarika itwarwa ry'inzu ye. RDB yo ivuga ko ikirego cya Rutayisire kitakwagirwa kuko yayireze aho kurega umwanditsi mukuru wa RDB wafashe icyemezo cyo kwegurira EQUITY BANK RWANDA Ltd ingwate y'inzu ya Rutayisire. Kayonga Louise, avuga ko atari ku regwa ku giti cye kubera ko yafashe icyemezo nk'umwanditsi mukuru.

Page 2

Rutayisire we akavuga ko RDB yaregwa kuko umwanditsi mukuru ariwe ari umukozi wayo, na Kayonga Louise nawe akaregwa ku giti cye kuko adafite ubudahangarwa bwo kutarengwa. RDB yakomeje kuvuga ko nta cyihutirwaga kiri mu rubanza kuko ikigo cy'ubutaka cyarangije kubuza ihererekanywa ry'umutungo wa Rutayisire kugeza imanza ziciwe. Rutayisire we akavuga ko icyemezo cy'ikigo cy'ubutaka ari icyemezo cy'ubuyobozi kidafite agaciro nk'ak'icyemezo cy'urukiko. Umwanditsi mukuru wa RDB we avuga ko we n'abandi bategetswe gutanga amagarama kandi mu kirego cyihutirwa nta ndishyi zijyanye n'ibyakoreshejwe zishobora gutangwa. Rutayisire akavuga ko amagarama y'urubanza yari gucibwa kuko atandukanye n'indishyi kubera ko ajyanye n'ibyakozwe mu rubanza.

1. Incamake y'icyemezo: Kuba ikirego cyihutirwa cyarakiriwe, n'ukuvuga ko uwagitanze afite ububasha, inyungu n'ubushobozi bwo gutanga ikirego. Muri uru rubanza rw'ikirego cyihutirwa ntirwasuzuma niba RDB na Kayonga Louise batari kuregwa kuko rwemeje ko batari kuregwa byabangamira icibwa ry'urubanza rw'iremezo mu gihe rwaba rwarangije kuvuga ko batagombaga kuregwa kandi n'umucamanza usuzuma ikirego cy'iremezo na we yasuzuma niba batari kuregwa, hakaba nta cyo yaba agisuzumye.

2. Kuba icyemezo cyo kwegurira banki ingwate y'inzu kyarafashwe mu buryo bunyuranyije n'amategeko, kigomba guteshwa agaciro. Icyo cyemezo kigomba guhagarara by'agateganyo kugeza urubanza rw'iremezo ruciwe burundu kuko banki iramutse iyegukanye kandi Rutayisire Déo agatsinda urwo rubanza asabamo ko bitesha agaciro, inzu yaba yararangije kumuvaho
3. EQUITY BANK RWANDA Ltd, RDB na Kanyonga Louise ntibategukwa gusubiza Rutayisire Déo Frw 50.000 y'ingwate y'amagarama yatanze arega kuko bibujijwe ko aregerwa mu kirego cyihutirwa hubwo aregerwa mu kirego cy'iremezo, bityo icyo cyemezo kikaba kigomba kuvaho. Ubujurire bwakiriwe kandi bufite ishingiye kuri bimwe. Ishirwa mu bikorwa ryo kwegurira banki ingwate rirahagarara by'agateganyo. Ingwate y'amagarama yagombaga gusubizwa ivuyeho. Amategeko yashingiweho: Itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, ingingo ya 316 n' iya 320. Nta manza zifashishijwe: Urubanza I. IMITERERE Y'URUBANZA [1] EQUITY BANK RWANDA Ltd yajuririye urubanza rw'ikirego cyihutirwa RCOM 0235/15/TC/Nyge rwaciwe n'Urukiko rw'Ubucuruzi rwa Nyarugenge aho yaregwigamye na Rutayisire Déo asaba guhagarika ishyirwa mu bikorwa ry'icyemezo cyo kuyegurira ingwate ku nzu iri muri parcelle n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura, Umurenge wa Kimihurura, Akarere ka Gasabo, Umujyi wa Kigali kugeza urubanza R.Com 0212/15/TC/Nyge

Page 3

ruciwe burundu, urukiko rurabimwemerera, runateguka EQUITY BANK RWANDA Ltd, RDB na Kanyonga Louise kumusubiza Frw 50.000 yatanze arega. Kuwa 01/04/2015 haba mu ruhamwe iburanisha, EQUITY BANK RWANDA Ltd ihagarariwe na Maître Karemera Frank, Rutayisire Déo ahagarariwe na Maître Zitoni Pierre Claver, RDB ihagarariwe na Maître Sangano Yves, Kanyonga Louise ahagarariwe na Maître Ingabire Joselyne. Maître Karemera Frank avuga ko EQUITY BANK RWANDA Ltd yajuriye kuko urukiko rwemeje ko Rutayisire Déo afite ububasha, inyungu n'ubushobozi byo gutanga ikirego gihagarika ishyirwa mu bikorwa ry'icyemezo cyo kuyegurira ingwate igizwe n'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura kandi iryo yegurirwa ry'ingwate rikomoka ku masezerano y'inguzanyo yabaye hagati ya EQUITY BANK RWANDA Ltd na Sosiyete La Différence Cosmétique atarimo, ko byamaburaburizwa ikirego cyatangwa na Sosiyete La Différence Cosmétique yakoze amasezerano. Maître Karemera Frank avuga ko EQUITY BANK RWANDA Ltd yajuriye kuko urukiko rwategutse ko kuyegurira inzu iri mu kibanza n° 1247 biba bihagaze kugeza igihe urubanza R.Com 0212/15/TC/Nyge iburana na Sosiyete La Différence Cosmétique rucirwe burundu ngo kuko kuba RDB yarayeguriye iyo nzu mbere y'uko rucibwa ari amakosa, bikaba bibangamira icyibwa ry'urubanza rw'iremezo kuko ikiburanwa ari ugutesha agaciro kwegurira EQUITY BANK RWANDA Ltd inzu, bikaba byahita bishingirwaho mu kubitesha agaciro, urukiko rukaba rwari gushingira ku bwihutire butigeze bugaragazwa. Maître Zitoni Pierre Claver avuga ko Rutayisire Déo afite ububasha, inyungu n'ubushobozi byo gutanga ikirego gihagarika ishyirwa mu bikorwa ry'icyemezo cyo kwegurira inzu yahawe ingwate EQUITY BANK RWANDA Ltd kubera ko kuyitanga bitamukuraho uburenganzira bwo kuba ari umutungo we kandi Sosiyete La Différence Cosmétique itishyuye

bimugarukaho. Maître Zitoni Pierre Claver avuga ko urukiko rutaburanishije mu mizi y'ikirego cy'iremezo kuko icyo rwakoze ari uguhagarika kwegukana inzu. Maître Zitoni Pierre Claver avuga ko icyihutirwa ari uko kwegukana inzu ya Rutayisire Déo biba bihagaze mu gihe impamvu zituma inzu itwarwa bikiburanwa mu rubanza R.Com 0212/15/TC/Nyge. Maître Sangano Yves avuga ko ikirego kitagombaga kwakirwa kuko Rutayisire Déo yareze RDB itari kuregwa kubera ko hari kuregwa Umwanditsi Mukuru wafashe icyemezo cyo kwegurira ingwate EQUITY BANK RWANDA Ltd. Maître Sangano Yves avuga ko RDB yagaragaje ko nta cyihutirwa kiri mu rubanza kubera ko Ikigo cy'Ubutaka cyarangije kubuza ihererekanywa ry'umutungo wa Rutayisire Déo kugeza imanza ziciwe. Maître Ingabire Joselyne avuga ko Kanyonga Louise atari kuregwa ku giti cye kuko ntaho ahuriye n'urubanza kubera ko yafashe icyemezo nk'Umwanditsi Mukuru. Maître Ingabire Joselyne avuga ko Kanyonga Louise n'abandi bareganwa bategetswe gutanga amagarama kandi mu kirego cyihutirwa nta ndishyi zijyanye n'ibyakoreshejwe zishobora gutangwa. Maître Zitoni Pierre Claver avuga ko RDB yari kuregwa kubera ko Umwanditsi Mukuru ari umukozi wayo kandi atigenga, ko kanyonga Louise na we yari kuregwa kuko yafashe icyemezo cyo kwegurira EQUITY BANK RWANDA Ltd inzu ya Rutayisire Déo kuko adafite ubudahangarwa bwo kutaregwa. Maître Zitoni Pierre Claver avuga ko amagarama y'urubanza yari gucibwa kuko atandukanye n'indishyi kubera ko ajyanye n'ibyakozwe mu rubanza.

Page 4

[2] Ibibazo urukiko rugomba gusuzuma muri uru rubanza ni ibi bikurikira :

- niba Rutayisire Déo adafite ububasha, inyungu n'ubushobozi byo gutanga ikirego cyihutirwa ;
 - niba RDB itari kuregwa mu kirego cyihutirwa ;
 - niba Kanyonga Louise atari kuregwa mu kirego cyihutirwa ;
 - niba urukiko rwaraciye urubanza rw'ikirego cyihutirwa rubangamiye icibwa ry'urubanza rw'iremezo ;
 - niba hari icyihutirwa mu rubanza, kwegukana inzu bikaba bigomba kuba bihagaze ;
 - niba abaregwa batari gutegekwa kwishyura amagarama y'urubanza y'ikirego cyihutirwa. II. ISESENGURA RY'IBIBAZO BISUZUMWA MU RUBANZA
1. Ku byerekeye kutagira ububasha, inyungu n'ubushobozi byo gutanga ikirego cyihutirwa kuri Rutayisire Déo no kutaregwa kwa RDB na Kanyonga Louise [3] Ingingo ya 316 y' Itegeko n° 21/2012 ryo kuwa 14/06/2012 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsu nk'uko ryahinduwe kandi ryujujwe kugeza ubu iteganya ko iyo hari ikirego cy'iremezo, ariko hagomba kugira icyemezwa by'agateganyo mu buryo bwihuta ku rubanza rwaregwe urukiko rutaburanishwa, ikirego cyihutirwa gishyikirizwa umucamanza ushinze kurangiza impaka zihutirwa w'aho zigomba gukemurirwa hakurikijwe uburyo busanzwe bw'ihamagara, iya 320 iteganya ko umucamanza uburanisha ibirego byihutirwa afata icyemezo ku bibazo byose byihutirwa

ariko mu buryo butabangamiye urubanza rw'iremezo mu mizi, ko umucamanza uburanisha ibirego byihutirwa asuzuma mbere yo gufata icyemezo inzitizi zavuka mu rubanza aburanisha. [4] Maître Karemera Frank avuga ko EQUITY BANK RWANDA Ltd yajuriye kuko urukiko rwemeje ko Rutayisire Déo afite ububasha, inyungu n'ubushobozi byo gutanga ikirego gihagarika ishyirwa mu bikorwa ry'icyemezo cyo kwegurira ingwate igizwe n'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura kandi iryo yegurirwa ry'ingwate rikomoka ku masezerano y'inguzanyo yabaye hagati ya EQUITY BANK RWANDA Ltd na Sosiyete La Différence Cosmétique Rutayisire atarimo, ko byamaburaburizo ikirego cyatangwa na Sosiyete La Différence Cosmétique yakoze amasezerano kandi kuba Rutayisire Déo yareguriye inzu ye Sosiyete La Différence Cosmétique ngo iyitangeho ingwate yemeye ingaruka zose zigomba kuyibaho. [5] Maître Zitoni Pierre Claver avuga ko Rutayisire Déo afite ububasha, inyungu n'ubushobozi byo gutanga ikirego gihagarika ishyirwa mu bikorwa ry'icyemezo cyo kwegurira inzu yahawe ingwate EQUITY BANK RWANDA Ltd kubera ko kuyitanga bitamukuraho uburenganzira bwo kuba ari umutungo we kandi Sosiyete La Différence Cosmétique itishyuye bimugarukaho.

Page 5

- [6] Maître Sangano Yves avuga ko ikirego kitagombaga kwakirwa kuko Rutayisire Déo yareze RDB itari kuregwa kubera ko hari kuregwa Umwanditsi Mukuru wafashe icyemezo cyo kwegurira ingwate EQUITY BANK RWANDA Ltd. [7] Maître Ingabire Joselyne avuga ko Kanyonga Louise atari kuregwa ku giti cye kuko ntaho ahuriye n'urubanza kubera ko yafashe icyemezo nk'Umwanditsi Mukuru. [8] Maître Zitoni Pierre Claver avuga ko RDB yari kuregwa kubera ko Umwanditsi Mukuru ari umukozi wayo kandi atigenga, ko Kanyonga Louise na we yari kuregwa kuko yafashe icyemezo cyo kwegurira EQUITY BANK RWANDA Ltd inzu ya Rutayisire Déo kuko adafite ubudahangarwa bwo kutaregwa. [9] Urukiko rusanga muri uru rubanza rw'ikirego cyihutirwa rutasuzuma niba Rutayisire Déo afite ububasha, inyungu n'ubushobozi byo gutanga ikirego cyihutirwa gisaba guhagarika ishyirwa mu bikorwa ry'icyemezo cyo kwegurira EQUITY BANK RWANDA Ltd ingwate igizwe n'inzu ye iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura kubera ko rwemeje ko ntabwo afite atari kurega byabangamira icibwa ry'urubanza rw'iremezo kuko rwaba rwarangije kuvuga ko atari kurega kandi n'umucamanza usuzuma ikirego cy'iremezo na we yasuzuma niba atari kurega, hakaba nta cyo yaba agisuzumye. [10] Urukiko rusanga muri uru rubanza rw'ikirego cyihutirwa rutasuzuma niba RDB na Kanyonga Louise batari kuregwa kubera ko rwemeje ko batari kuregwa byabangamira icibwa ry'urubanza rw'iremezo kuko rwaba rwarangije kuvuga ko batagombaga kuregwa kandi n'umucamanza usuzuma ikirego cy'iremezo na we yasuzuma niba batari kuregwa, hakaba nta cyo yaba agisuzumye.
2. Ku byerekeye guca urubanza rw'ikirego cyihutirwa rubangamiye icibwa ry'urubanza rw'iremezo no kuba hari icyihutirwa gituma kwegukana inzu biba bihagaze mu gihe hatagerejwe icibwa ry'urubanza rw'iremezo [11] Ingingo ya 316 y' Itegeko n° 21/2012 ryo kuwa 14/06/2012 iteganya ko iyo hari ikirego cy'iremezo, ariko hagomba kugira icyemezwa

by'agateganyo mu buryo bwihuta ku rubanza rwaregewe urukiko rutaburanishwa, ikirego cyihutirwa gishyikirizwa umucamanza ushinze kurangiza impaka zihutirwa w'aho zigomba gukemurirwa hakurikijwe uburyo busanzwe bw'ihamagara, iya 320 iteganya ko umucamanza uburanisha ibirego byihutirwa afata icyemezo ku bibazo byose byihutirwa ariko mu buryo butabangamiye urubanza rw'iremezo mu mizi. [12] Maître Karemera Frank avuga ko EQUITY BANK RWANDA Ltd yajuriye kuko urukiko rwategetse ko kuyegurira inzu iri mu kibanza n° 1247 biba bihagaze kugeza igihe urubanza R.Com 0212/15/TC/Nyge iburana na Sosiyete La Différence Cosmétique ruciriwe burundu ngo kuko kuba RDB yarayeguriye iyo nzu mbere y'uko rucibwa ari amakosa kandi kuyegurira ingwate byashingiye ku kuba umwenda utarishyuwe, bikaba bitanasaba kutaba mu rukiko kw'abagiranye amasezerano, urukiko rukaba rwari gushingira ku bwihutire butagaragajwe kandi kwemeza ko RDB yayiyeguriye mu buryo bunyuranyije n'amategeko bibangamira icyibwa ry'urubanza rw'iremezo kuko ikiburanwa ari ugutesha agaciro kwegurira EQUITY BANK RWANDA Ltd inzu, bikaba byahita bishingirwaho mu kubitesha agaciro.

Page 6

- [13] Maître Zitoni Pierre Claver avuga ko urukiko rutaburanishije mu mizi y'ikirego cy'iremezo kuko icyo rwakoze ari uguhagarika kwegukana inzu, ko icyihutirwa ari uko kwegukana inzu ya Rutayisire Déo biba bihagaze mu gihe impamvu zituma inzu itwarwa bikiburanwa mu rubanza R.Com 0212/15/TC/Nyge. [14] Maître Sangano Yves avuga ko RDB yagaragaje ko nta cyihutirwa kiri mu rubanza kubera ko Ikigo cy'Ubutaka cyarangije kubuza ihererekanywa ry'umutungo wa Rutayisire Déo kugeza imanza ziciwe. [15] Maître Zitoni Pierre Claver avuga ko icyemezo cy'Ikigo cy'Ubutaka ari icyemezo cy'ubuyobozi kidafite agaciro nk'ak'icyemezo cy'urukiko. [16] Urukiko rusanga hari urubanza R.Com 1222/14/TC/Nyge La Différence Cosmétique Ltd iregamo EQUITY BANK Ltd isaba guhabwa ingengabihe y'uko umwenda uzishyurwa buri kwezi no gukemura impaka ku byerekeranye n'umubare nyawo w'umwenda wishyuzwa. [17] Urukiko rusanga Urukiko rw'Ubucuruza rwa Nyarugenge rwarasanze kuba ingwate y'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura yareguriye EQUITY BANK Ltd kandi hari urubanza ikiburana na Sosiyete La Différence Cosmétique Ltd ku mwenda watangiye iyo ngwate binyuranyije n'amategeko kuko yagombaga kuyegurirwa nyuma y'uko urwo rubanza rubaye itegeko, runasanga rero ishyirwa mu bikorwa ry'icyo cyemezo rigomba guhagarara by'agateganyo kugeza urubanza R.Com 0212/15/TC/Nyge ruciwe burundu. [18] Urukiko rusanga rero kuba Urukiko rw'Ubucuruza rwa Nyarugenge rwarasanze kwegurira EQUITY BANK RWANDA Ltd ingwate y'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura binyuranyije n'amategeko bibangamira icyibwa ry'urubanza rw'iremezo R.Com 0212/15/TC/Nyge kubera ko Rutayisire Déo aruburanamo gutesha agaciro icyemezo cyo kwegurira EQUITY BANK RWANDA Ltd iyo ngwate, hakaba nta cyaba kikiburanwa ku byo kutesha agaciro icyo cyemezo, bityo uko gusanga kwegukana ingwate y'inzu byarakozwe mu buryo bunyuranyije n'amategeko bikaba bigomba guteshwa agaciro mu rubanza rw'ikirego cyihutirwa kuko bizaburanwa mu rubanza rw'iremezo. [19] Urukiko rusanga ariko ishyirwa

mu bikorwa ryo kwegurira EQUITY BANK RWANDA Ltd ingwate y'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura rigomba guhagarara by'agateganyo kugeza urubanza R.Com 0212/15/TC/Nyge ruciwe burundu kubera ko iramutse iyegukanye kandi Rutayisire Déo agatsinda urwo rubanza asabamo ko biteshwa agaciro inzu yaba yararangije kumuvaho ikandikwa kuri EQUITY BANK RWANDA Ltd kandi nayo ntacyaba kiyibuza kuba yayikuraho ikajya mu maboko y'abandi.

3. Ku byerekeye kutagomba gutegekwa kwishyura amagarama y'urubanza y'ikirego cyihutirwa [20] Ingingo ya 320 y' Itegeko n° 21/2012 ryo kuwa 14/06/2012 iteganya ko indishyi n'ibindi bijyanye n'amafaranga umuburanyi yakoresheje mu rubanza ku kirego cyihutirwa biregerwa hamwe n'ikirego cy'iremezo.

Page 7

- [21] Maître Ingabire Joselyne avuga ko Kanyonga Louise n'abandi bareganwa bategetswe gutanga amagarama kandi mu kirego cyihutirwa nta ndishyi zijyanye n'ibyakoreshejwe zishobora gutangwa. [22] Maître Zitoni Pierre Claver avuga ko amagarama y'urubanza yari gucibwa kuko atandukanye n'indishyi kubera ko ajyanye n'ibyakozwe mu rubanza. [23] Urukiko rusanga EQUITY BANK RWANDA Ltd, RDB na Kanyonga Louise batari gutegekwa gusubiza Rutayisire Déo Frw 50.000 y'ingwate y'amagarama yatanze arega kubera bibujijwe ko aregerwa mu kirego cyihutirwa kuko aregerwa mu kirego cy'iremezo, bityo icyo cyemezo kikaba kigomba kuvaho. III. ICYEMEZO CY'URUKIKO [24] RWEMEYE kwakira ubujurire bwatanzwe na EQUITY BANK RWANDA Ltd kandi rwemeje ko bufite ishingiro kuri bimwe. [25] RWEMEJE ko muri uru rubanza rw'ikirego cyihutirwa rutasuzuma niba Rutayisire Déo afite ububasha, inyungu n'ubushobozi byo gutanga iki kirego. [26] RWEMEJE ko muri uru rubanza rw'ikirego cyihutirwa rutasuzuma niba RDB na Kanyonga Louise batari kuregwa. [27] RWEMEJE ko ibyo Urukiko rw'Ubucuruzi rwa Nyarugenge rwasanze ko kwegurira EQUITY BANK RWANDA Ltd ingwate y'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura binyuranyije n'amategeko bibangamira icibwa ry'urubanza rw'iremezo R.Com 0212/15/TC/Nyge, ko bigomba guteshwa agaciro mu rubanza rw'ikirego cyihutirwa kuko bizaburanwa mu rubanza rw'iremezo R.Com 0212/15/TC/Nyge. [28] RWEMEJE ko ishyirwa mu bikorwa ryo kwegurira EQUITY BANK RWANDA Ltd ingwate y'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura rigomba guhagarara by'agateganyo kugeza urubanza R.Com 0212/15/TC/Nyge ruciwe burundu. [29] RWEMEJE ko Frw 50.000 y'ingwate y'amagarama EQUITY BANK RWANDA Ltd, RDB na Kanyonga Louise bategetswe gusubiza Rutayisire Déo agomba kuvaho. [30] RUTEGETSE ko ibyo Urukiko rw'Ubucuruzi rwa Nyarugenge rwasanze ko kwegurira EQUITY BANK Ltd ingwate y'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura binyuranyije n'amategeko biteshejwe agaciro mu rubanza rw'ikirego cyihutirwa kuko bizaburanwa mu rubanza rw'iremezo R.Com 0212/15/TC/Nyge. [31] RUTEGETSE ko ishyirwa mu bikorwa ryo kwegurira EQUITY BANK RWANDA Ltd ingwate y'inzu iri mu kibanza n° 1247 mu Mudugudu w'Intambwe, Akagari ka Kimihurura rigomba guhagarara by'agateganyo kugeza urubanza R.Com 0212/15/TC/Nyge ruciwe burundu. [32] RUTEGETSE ko Frw 50.000

y'ingwate y'amagarama EQUITY BANK RWANDA Ltd, RDB na Kanyonga Louise bategetswe gusubiza Rutayisire Déo avuyeho.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.amategeko.gov.rw/view/doc/7506/7783>

CASE PAGE <https://chat.esheria.ai/case-law/rwanda/equity-bank-rwanda-ltd-v-rutayisire-2015>

Prepared on 12 October 2026 · Esheria