

RWANDA / JUDGMENT

KAMALI na BAGENZI BE vs RADIANT INSURANCE COMPANY LTD

RS/INJUST/RC00013/ 2024/SC

COURT

Supreme Court

DECIDED

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KAMALI na BAGENZI BE vs RADIANT INSURANCE COMPANY LTD

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Text

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KAMALI na BAGENZI BE vs RADIANT INSURANCE COMPANY LTD [Rwanda URUKIKO RW'IKIRENGA – RS/INJUST/RC00013/ 2024/SC (Cyanzayire, P.J., Karihangabo na Kazungu J.) 20 Kanama 2025] Amategeko yerekeye imiburanishirize y'imanza Mbonezamubano – Kurega – ibimenyetso – Urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda. Bityo uvuga ko ari umucuruzi w'inyongeramusaruro byagaragazwa ibintu bifatika byerekeye ubwo bucuruzi, nk'ububiko burimo izo nyongeramusaruro, umusaruro wavuye muri ubwo bucuruzi, amazina y'abahinzi bahawe nuwo mucuruzi ibyo bicuruzwa, cyangwa se aho yasoreraga. Incamake y'ikibazo: Uru rubanza rwatangiye Kamali na bagenzi be, abavandimwe ba Bazabibazwa batanga ikirego mu Rukiko Rwisumbuye rwa Ngoma basaba Urukiko gutegeka Radiant insurance company Ltd gutanga indishyi zitandukanye zikomoka ku mpanuka y'imodoka PICK-UP DAIHATSU Delta RAB 381C yari yishingiye, yaguyemo Bazabibazwa wayikoragaho nka tandiboyi kuko bagerageje gusaba izo ndishyi Radiant mu bwumvikane ntibyakunda. Radiant yavuze ko ikirego cya Kamali na bagenzi be nta shingiro gifite. Urukiko mu rubanza

RC00057/2021/TGI/NGOMA, rwemeje ko ikirgo cya Kamali na bagenzi be, gifite ishingiro, ko Radiant igomba kubaha indishyi zitandukanye zingana na 11.568.160Frw. Radiant yajuririye urwo rubanza mu Rukiko Rukuru, Urugereko rwa Rwamagana, ivuga ko Urukiko Rwisumbuye rwanze gushingira indishyi ku masezerano y'ubwishingizi nyir'imodoka, Mukeshimana yagiranye na Radiant. Ayo masezerano ateganya amafaranga y'indishyi umukozi ukora ku modoka agomba guhambwa igihe apfuye cyangwa agize ubumuga. Ivuga ko Urukiko rwanze kuyashingiraho kuko ateganya amafaranga makeya. Urukiko Rukuru mu rubanza RCA00021/2022/HC/RWG, rwemeje ko ubujurire bwa Radiant bufite ishingiro kuri bimwe, ko urubanza rwajuririwe ruhindutse ku byerekeye indishyi zagenwe, ko abarega bagomba kugenerwa indishyi hashingiwe ku masezerano y'ubwishingizi bwafatiwe abakora ku modoka yateje impanuka; rutegeka ko bahabwa indishyi zingana na 3.000.000Frw na 300.000Frw y'ibyakoreshejwe. Kamali na bagenzi be bandikiye Perezida w'Urukiko rw'Ubujurire basaba ko urubanza RCA00021/2022/HC/RWG rwasubirwamo ku mpamvu z'akarengane. Perezida w'Urukiko rw'Ubujurire amaze gusuzuma ubwo busabe, yasabye Perezida w'Urukiko rw'Ikirenga ko rwasubirwamo ku mpamvu z'akarengane, nawe yemeza ko rwongera kuburaniswa. Kamali na bagenzi be basobanuye ko akarengane kabo gashingiye ku kuba Urukiko Rukuru, Urugereko rwa Rwamagana, rutarahaye agaciro ibimenyetso byabo bigizwe n'inyandikomvugo imenyesha impanuka, igaragaza ko nyakwigendera yari umugenzi; n'ibaruwa yahawe n'Akarere ka Rwamagana igaragaza ko yakoraga akazi k'ubucuruzi bw'inyongeramusaruro (AGRODEALER) mu buhinzi. Radiant yo ivuga ko nta karengane kari mu rubanza rusubirishwamo kuko Bazabibazwa yari umukozi ku modoka yakoze impanuka. Urukiko mu rubanza RS/INJUST/RC00013/ 2024/SC rwemeje ko nta karengane kari mu rubanza RCA00021/2022/HC/RWG kuko nta bimenyetso bigaragaza ko Bazabibazwa yari umucuruzi nkuko abiburanisha. Incamake y'icyemezo: Urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda. Bityo uvuga ko ari umucuruzi w'inyongeramusaruro byagaragazwa ibintu bifatika byerekeye

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ubwo bucuruzi, nk'ububiko burimo izo nyongeramusaruro, umusaruro wavuye muri ubwo bucuruzi, amazina y'abahinzi bahawe nuwo mucuruzi ibyo bicuruzwa, cyangwa se aho yasoreraga. Amategeko yashingiweho: Itegeko N°22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi nk'uko ryahinduwe, Ingingo ya 12, igika cya 1, 111 Itegeko No13/2009 ryo ku wa 27/05/2009 rigenga umurimo mu Rwanda Ingingo ya 47 agace ka 6 Itegeko Teka No 32/75 ryo ku wa 07 Kanama 1975 nk'uko ryahinduwe, ryerekeye ubwishingizi butegetswe ku buryozwe butewe n'ibigenzwa ku butaka bifite moteri, Ingingo ya 4. Amasezerano rusange agenga ubwishingizi ku buryozwe butegetswe ya Radiant. Ingingo ya 7, 3°, Imanza zifashishijwe: Urubanza RS/INJUST/RC 00020/2022/SC, haburana Gasana Tim Alphonse na Radiant Insurance Company Ltd, rwaciwe n'Urukiko rw'Ikirenga kuwa 12/05/2023 igika cya 16. Inyandiko z'abahanga zifashishijwe: le Chevalier BRAAS, Précis de procédure civile, T.II., Bruxelles, Bruylant, 3è édition, 1944, p.520, n°1003. Dominique Mougenot, Droit des obligations, La preuve, Bruxelles, Larcier, 2002, page 338, n°284. Urubanza. I. IMITERERE Y'URUBANZA [1] Uru rubanza rukomoka ku mpanuka

yabaye ku wa 29/01/2021 itewe n'imodoka PICK-UP DAIHATSU Delta RAB 381C yari ifite ubwishingizi muri Radiant, itwawe na Nshimiyimana Emmanuel, ageze kuri "dos d'âne" ntiyaringaniza umuvuduko, irenga umuhanda, Bazabibazwa Tharcisse wari inyuma muri iyo modoka arakomereka bimuviramo gupfa. [2] Nyuma yo kugerageza kumvikana na Radiant ku ndishyi ariko ntibikunde, Kamali Léonard, Nyirabahire Consolée, Nyiranzeyimana Donatha, Mukandayisenga Drocelle, Uwimbabazi Devota, Uwurukundo Valentine, Uwiduhaye Jeannette na Nzayituriki Eric (Kamali Léonard na bagenzi be, muri uru rubanza)¹ baregeye Urukiko Rwisumbuye rwa Ngoma, ikirego cyandikwa kuri RC00057/2021/TGI/NGOMA, basaba indishyi zitandukanye zibariwe ku mushahara w'umwaka muto ntarengwa (SMIG) wa 3.000Frw ku minsi 30 y'ukwezi, ziteye zitya: Indishyi z'ibangamirabukungu: 7.528.150Frw; Indishyi z'ibangamirwa ku muco : 4.860.000Frw ; Indishyi z'ibyakoreshejwe mu gushyingura: 891.510Frw. [3] Urukiko Rwisumbuye rwa Ngoma rwaciye urubanza ku wa 27/01/2022, rutegeka Radiant kwishyura Kamali Léonard na bagenzi be indishyi zikurikira: Indishyi z'ibangamirabukungu: 7.020.000Frw; Indishyi z'ibangamirwa ry'umuco: 3.240.000Frw; Ibyakoreshejwe mu gushyingura: 661.160Frw;

¹ Kamali Leonard na Nyirabahire Consolee ni ababyeyi ba Bazabibazwa Tharcisse; Nyiranzeyimana Donata, Mukandayisenga Drocelle, Uwimbabazi Devota, Uwurukundo Valentine, Uwiduhaye Jeannette na Nzayituriki Eric ni bavandimwe ba Bazabibazwa Tharcisse.

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Gukurikirana dosiye, amafaranga yatanze ku rubanza arimo igihembo cy'Avoka, ikurikiranarubanza n'igarama: 647.000Frw. Yose hamwe ni 11.568.160Frw². [4] Radiant yajuririye urwo rubanza mu Rukiko Rukuru, Urugereko rwa Rwamagana, ivuga ko Urukiko Rwisumbuye rwanze gushingira indishyi ku masezerano y'ubwishingizi nyir'imodoka, Mukeshimana Vestine yagiranye na Radiant³ ayafatira abakozi bayikoraho kubera ko ayo masezerano ateganya amafaranga y'indishyi makeya, ruvuga ko abakora ku modoka badafatirwa ubwishingizi buhagije. [5] Urukiko Rukuru rwaciye urubanza RCA00021/2022/HC/RWG, ku wa 30/06/2023, rwemeza ko ubujurire bwa Radiant bufite ishingiro kuri bimwe, ko urubanza rwajuririwe ruhindutse ku byerekeye indishyi zagenwe, ko abarega bagomba kugenerwa indishyi hashingiwe ku masezerano y'ubwishingizi bwafatiwe abakora ku modoka yateje impanuka; rutegeka ko abarega bahabwa indishyi zingana na 3.000.000Frw na 300.000Frw y'ibyakoreshejwe. [6] Rwasobanuye ko aya masezerano ateganya ko mu gihe habaye impanuka igateza urupfu cyangwa ubumuga buhoraho, indishyi zizishyurwa ari 3.000.000Frw naho amafaranga yo kwivuza ari 300.000Frw ; ko ari yo agomba gushingirwaho mu kugena indishyi zigomba kwishyurwa abarega kuko nyakwigendera yari umutandiboyi ku modoka ivugwa muri uru rubanza; bityo amafaranga agomba kwishyurwa abaregeye indishyi akaba 3.000.000Frw na 300.000Frw yateganyirijwe kwivuza. [7] Kamali Léonard na bagenzi be bandikiye Perezida w'Urukiko rw'Ubujurire basaba ko urubanza No RCA00021/2022/HC/RWG rwaciye n'Urukiko Rukuru, Urugereko rwa Rwamagana ku wa 30/06/2023 rwasubirwamo ku mpamvu z'akarengane. Perezida w'Urukiko rw'Ubujurire amaze gusuzuma ubwo busabe, yasabye Perezida w'Urukiko rw'Ikirenga ko rwasubirwamo ku mpamvu z'akarengane, nawe yemeza ko rwongera kuburanishwa rwandikwa kuri RS/INJUST/RC00013/2024/SC. [8] Mu myanzuro yabo, Kamali Léonard na bagenzi be basobanuye ko akarengane kabo

gashingiye ku kuba Urukiko Rukuru, Urugereko rwa Rwamagana, rutarahaye agaciro ibimenyetso byabo bibiri (2) bigizwe n'inyandikomvugo imenyeshya impanuka, igaragaza ko nyakwigendera yari umugenzi; n'ibaruwa yahawe n'Akarere ka Rwamagana igaragaza ko yakoraga akazi k'ubucuruzi bw'inyongeramusaruro (AGRODEALER) mu buhinzi, mu Murenge wa Nzige; bavuga ko bahabwa indishyi zingana na 13.188.160Frw zari zategetswe n'Urukiko Rwisumbuye rwa Ngoma, hakuwemo 3.300.000Frw zategetswe n'Urukiko Rukuru kuko bamaze kuyahabwa, bityo bagasaba indishyi zisigaye zingana na 9.888.160 Frw. [9] Urubanza rwaburanishijwe mu ruhame ku wa 12/05/2025, Kamali Léonard na bagenzi be bahagarariwe na Me Nshimiyimana Emmanuel naho Radiant ihagarariwe na Me Ndayisaba Fidele. Ababuranyi bagiye impaka k'uburyo indishyi zigomba gutangwa zikwiriye kubarwa n'ibyerekeye ikurikiranarubanza n'igihembo cy'Avoka. Urubanza rwarapfundikiwe, ababuranyi bamenyeshwa ko ruzasomwa ku wa 20/06/2025. II. IBIBAZO BIGIZE URUBANZA N'ISESENGURWA RYABYO

- 1) Kumenya uko indishyi zikomoka ku mpanuka yo ku wa 29/01/2021, yahitanye Bazabibazwa Tharcisse zigomba kubarwa. [10] Me Nshimiyimana Emmanuel uhagarariye Kamali Léonard na bagenzi be avuga ko ubusanzwe Bazabibazwa Tharcisse yacuruzaga inyongeramusaruro zikoreshwa mu buhinzi, akaba yarakoze

2 Kuri paji ya 7 y'urubanza, mu cyemezo cy'urukiko, igiteranyo cy'amafaranga yose yategetswe n'Urukiko Rwisumbuye ni 13.188.160 Frw, hiyongeramo 1.620.000 Frw adafite icyo ahwanye nacyo muri dosiye ; mu rubanza rwose nta ndishyi zatanze zingana zitya. Birashoboka ko ari ukwibeshya. 3 Aya masezerano yari afite agaciro kuwa ku wa 09/11/2020 kugeza ku wa 08/02/2021

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impanuka nk'umugenzi, bityo agasanga abaregera indishyi bakwiye kuzihabwa kandi zikabarwa hakurikijwe Iteka rya Prezida No 31/01 ryo kuwa 23/05/2008 rishyiraho uburyo bwo kwishyura indishyi ku bubabare bw'umubiri buturutse ku mpanuka zitewe n'ibinyabiziga (muri uru rubanza, Iteka rya Perezida). [11] Asobanura ko ibi abishingira ku nyandikomvugo imenyeshya impanuka, kuko umupolisi wayikoze atigeze avuga ko nyakwigendera yakoraga kuri iyo modoka nk'umutandiboyi nk'uko bivugwa. Avuga ko umurimo we w'ubucuruzi bw'inyongeramusaruro ugaragazwa n'impamyabumenyi mu buvuzi bw'amatungo yahawe mu mwaka wa 2015 n'ibaruwa yahawe n'Akarere ka Rwamagana ku wa 24/12/2018 imwemerera gucuruza inyongeramusaruro zikoreshwa mu buhinzi mu Murenge wa Nzige; ko atari guta izo nshingano ngo ajye kuba umutandiboyi ku modoka. [12] Me Ndayisaba Fidele uhagarariye Radiant avuga ko abarega baburana mu Rukiko Rwisumbuye bavuze ko Bazabibazwa Tharcisse yari umutandiboyi ku modoka yateje impanuka, ko bakwiye kugenerwa indishyi hashingiwe ku masezerano y'ubwishingizi bw'abakozi Mukeshimana Vestine yagiranye na Radiant. [13] Avuga kandi ko kuba inyandikomvugo imenyeshya impanuka ivuga ko Bazabibazwa Tharcisse yari umugenzi, nta kibazo kirimo kuko icyari kigambiriwe ikorwa kwari ukwerekana ko yari muri iyo modoka. [14] Akomeza asobanura ko n'ubwo Bazabibazwa Tharcisse yahawe ibaruwa n'Akarere ka Rwamagana ivuga ko yemerewe gucuruza inyongeramusaruro ikoreshwa mu buhinzi mu Murenge wa Nzige, kugeza ubwo impanuka yabaga nta kigaragaza ko yakoraga uwo murimo; ko kuba abarega

n'ubahagarariye barivugiye ahubwo mu iburanisha ry'urubanza mu Rukiko Rwisumbuye rwa Ngoma ko nyakwigendera yari umutandiboyi kuri iyo modoka, bavuze ibyo bazi neza, akaba asanga nta kimenyetso na kimwe kirengagijwe. UKO URUKIKO RUBIBONA [15] Ingingo ya 4 y'Itegeko Teka No 32/75 ryo ku wa 07 Kanama 1975 nk'uko ryahinduwe, ryerekeye ubwishingizi butegetswe ku buryozwe butewe n'ibigenzwa ku butaka bifite moteri, iteganya ko "bashobora kuvanwa mu bwishingizi [buteganyijwe n'iri Teka] ... 3° abantu bafite amategeko yihariye areba ibyago batewe n'impanuka y'akazi, uretse igihe bagumanye uburenganzira bwo gukurikirana uwishingiwe". [16] N'ubwo iyi ngingo idasobanura neza ayo mategeko yihariye ayo ari yo, birumvikana ko ari asanzwe arengera abakozi ni ukuvuga ajyanye n'ubwiteganyirize bw'abakozi⁴ cyangwa ubundi bwishingizi bwafatirwa abakozi n'umukoresha wabo, nk'ubwo Mukeshimana Vestine yafatiye abakora ku modoka yateje impanuka nk'uko byasobanuwe n'uru Rukiko mu rubanza SANLAM AG PLC yaburanaga na Nzayikorera Jeanne na bagenzi be⁵. [17] Ingingo ya 7, 3°, y'amasezerano rusange agenga ubwishingizi ku buryozwe butegetswe ya Radiant yanditse itya : "ntibashobora guhabwa indishyi zikomoka ku bwishingizi abakozi b'uwishingiwe igihe [bagize impanuka] bari mu murimo wabo cyangwa umushoferi wateje impanuka"⁶. Iyi ngingo ishyira mu bikorwa ingingo ya 4 ivugwa mu gika kibanza.

4 Ingingo ya 47 agace ka 6, y'Itegeko ne 13/2009 ryo ku wa 27/05/2009 rigenga umurimo mu Rwanda ryakurikizwaga igihe BAZABIBAZWA Tharcisse yakoraga impanuka, iteganya ko imwe mu nshingano z'umukoresha ari ugushyira abakozi mu bwiteganyirize bw'abakozi. 5 Iyi ngingo yasesenguwe mu rubanza RS/INJUST/RC00008/2024/SC, rwaciwe ku wa 17/01/2025, haburana SANLAM AG PLC na Nzayikorera Jeanne na bagenzi be, § 34. 6 Article 7, 3° « Ne peuvent bénéficier de l'indemnité d'assurance pendant leur service, les salariés ou préposés de l'assuré ou du conducteur dont la responsabilité est engagée du fait de l'accident ».

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[18] Urukiko rurasanga abaregera indishyi basobanura ko indishyi bakwiye guhabwa zigomba gushingira ku Iteka rya Perezida, kuko nyakwigendera yakoraga ubucuruzi bw'inyongeramusaruro mu bikorwa by'ubuhinzi, ikimenyetso babitangira kikaba ari ibaruwa yatanze n'akarere ka Rwamagana yagarutseho haruguru n'impamyabumenyi mu buvuzi bw'amatungo yahawe mu mwaka 2015. [19] Ingingo ya 12, igika cya 1, y'Itegeko N°22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetswe nk'uko ryahinduwe, iteganya ko: "Urega agomba kugaragaza ibimenyetso by'ibyo aregera. Iyo abibuze, uwarezwe aratsinda". [20] Umuhanga le chevalier BRAAS avuga ko mu rukiko imvugo y'umuburanyi idahagije, ko urega agomba kugaragaza ikimenyetso cy'ibyo aregera. Avuga ko bidahagije kuvuga ko ufite uburenganzira, ahubwo ugomba no kubugaragaza [utanga ibimenyetso], ko iyo habayeho gushidikanya, kimwe no kubura ikimenyetso, uwarezwe atsindwa uwarezwe agatsinda.⁷ [21] Ibisobanuwe haruguru bihura n'ibyasobanuwe mu rubanza RS/INJUST/RC00020/2022/SC, rwaciwe ku wa 12/05/2023, haburana Gasana Tim na Radiant Insurance Company Ltd aho uru Rukiko rwavuze ko ufite ibyo yishyura ari we ugomba kubigaragariza ibimenyetso, yabibura Urukiko rukemeza ko ikirego cye nta shingiro gifite.⁸ [22] Umuhanga mu mategeko

Dominique Mougenot avuga ko Ukwiyeemerera mu rukiko ugusanga mu myanzuro (...), mu nyandikomvugo y'iburanisha no mu byanditse mu rubanza⁹. [23] Dosiye y'urubanza igaragaza ko ku kibazo cyo kumenya uburyo nyakwigendera yari mu modoka yakoze impanuka, uhagarariye abaregera indishyi yasubije ko bakoranaga, yarimo nka tandiboyi w'iyi modoka^{10,11}, uyu murimo wemejwe mu rubanza RC00057/2021/TGI/NGOMA rwaciwe n'Urukiko Rwisumbuye rwa Ngoma, kuri paji 4, igika cya 10. [24] Ku bijyanye n'ibyo abarega bavugaga ko nyakwigendera yakoraga ubucuruzi bw'inyongeramusaruro mu bikorwa by'ubuhinzi, Urukiko rurasanga rutakwemeza rushingiye ku nyandiko yo ku wa 24/12/2018 yatanze n'Akarere ka Rwamagana imwemerera gusa gukora uwo murimo, n'impamyabumenyi mu byerekeye ubuvuzi bw'amatungo yahawe mu mwaka wa 2015. [25] Rurasanga icyari kwerekana ko koko yakoraga uwo murimo, ari nk'ububiko burimo izo nyongeramusaruro nk'uko Akarere ka Rwamagana kari kabisabye, umusaruro wavuye muri ubwo bucuruzi cyangwa se amazina y'abahinzi bahawe na nyakwigendera ibyo bicuruzwa, aho yasoreraga, muri make bakagaragaza ibintu bifatika byerekeye ubwo bucuruzi, aho kubivugaga gusa. [26] Hashingiwe ku bisobanuro byatanze, Urukiko rurasanga Bazabibazwa Tharcisse yakoze impanuka ari umukozi wa Mukeshimana Vestine nk'umutandiboyi, akaba yakoze impanuka y'akazi. Rurasanga rero indishyi agomba kugenerwa zigomba kubarwa hashingiwe ku masezerano y'inyongera (assurance complementaire) Mukeshimana Vestine yagiranye na Radiant.

7 « Nul n'est cru sur parole en justice. Tout demandeur doit prouver les faits qu'il allègue ou les obligations dont il se prévaut. (...) Il ne suffit pas d'affirmer l'existence d'un droit, il faut en justifier. Dans le doute, comme à défaut de preuve, le demandeur est débouté et le défendeur l'emporte » (le Chevalier BRAAS, Précis de procédure civile, T.II., Bruxelles, Bruylant, 3^e édition, 1944, p.520, n°1003). 8 Reba urubanza n° RS/INJUST/RC 00020/2022/SC rwaciwe kuwa 12/05/2023, haburana GASANA Tim Alphonse na RADIANT INSURANCE COMPANY Ltd, igika cya 16. 9 « Aveu judiciaire (...) on trouve l'aveu dans les conclusions, (...) dans la feuille d'audience, dans les énonciations d'un jugement. Si l'aveu a été fait verbalement à l'audience (...) il est dès lors opportun d'en demander acte au plumitif d'audience » (Dominique Mougenot, Droit des obligations, La preuve, Bruxelles, Larcier, 2002, page 338, n°284). 10 Inyandikomvugo y'iburanisha ryo ku wa 04/01/2021 : ikibazo : imodoka yakoze impanuka yari itwaye nyakwigendera mu buhe buryo ? 11 Mu gika cya \$4, cy'urubanza rwo mu Rukiko Rwisumbuye, handitsemo ko Me NSHIMIYIMANA Emmanuel uburanira abarega yaburanye avuga ko nyakwigendera yari mu modoka yateje impanuka nka tandiboyi.

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2. Gusuzuma ishingiye ry'amafaranga y'ikurikiranarubanza n'ay'igihembo cy'Avoka asabwa na Radiant. [27] Me Ndayisaba Fidele uhagarariye Radiant asaba: 500.000Frw y'igihembo cy'Avoka mu Rukiko Rwisumbuye; 250.000Frw y'igihembo cy'Avoka mu Rukiko Rukuru; 500.000Frw y'igihembo cy'Avoka mu Rukiko Rw'Ikirenga na 250.000Frw y'ikurikiranarubanza. Yose hamwe akaba 1.500.000Frw. [28] Me Nshimiyimana Emmanuel uhagarariye abarega avuga ko indishyi zisabwa na Radiant zidakwiye guhabwa ishingiye, ko

ahubwo abarega bakwiye kugenerwa igihembo cy' Avoka cya 500.000Frw. UKO URUKIKO RUBIBONA [29] 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'ubutegetsu nk'uko ryahinduwe, iteganya ko ikirego cy'amafaranga y'ikurikiranarubanza ari ikirego gishamikira ku kirego cy'iremezo kigamije kwishyuza ibyakoreshejwe mu rubanza. [30] Rurasanga kuba Kamali Léonard na bagenzi be batsindwa urubanza nta gihembo cy'avoka bahabwa; ahubwo Radiant itsinze urubanza niyo ikwiye guhabwa 500.000Frw y'igihembo cy'Avoka mu Rukiko Rwisumbuye; 250.000Frw y'igihembo cy'Avoka mu Rukiko Rukuru; 500.000Frw y'igihembo cy'Avoka mu Rukiko Rw'Ikirenga, (yose hamwe ni 1.250.000Frw) na 250.000Frw y'ikurikiranarubanza. Yose hamwe akaba 1.500.000Frw. III. ICYEMEZO CY'URUKIKO [31] Rwemeje ko ikirego cyatanzwe na Kamali Léonard, Nyirabahire Consolée, Nyiranzeyimana Donatha, Mukandayisenga Drocelle, Uwimbabazi Devota, Uwurukundo Valentine, Uwiduhaye Jeannette na Nzayituriki Eric gisaba gusubirishamo ku mpamvu z'akarengane, urubanza RCA00021/2022/ HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana, ku wa 30/06/2023, nta shingiro gifite. [32] Rwemeje ko nta gihindutse ku mikirize y'urubanza RCA00021/2022/HC/RWG rwaciwe n'Urukiko Rukuru, Urugereko rwa Rwamagana, ku wa 30/06/2023. [33] Rutegetse Kamali Léonard, Nyirabahire Consolée, Nyiranzeyimana Donatha, Mukandayisenga Drocelle, Uwimbabazi Devota, Uwurukundo Valentine, Uwiduhaye Jeannette na Nzayituriki Eric gufatanya guha Radiant Insurance Company Ltd 1.250.000Frw y'igihembo cy'Avoka na 250.000Frw y'ikurikiranarubanza. Yose hamwe akaba 1.500.000Frw.

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CASE PAGE <https://chat.esheria.ai/case-law/rwanda/kamali-leonard-v-radiant-insurance-company-ltd-burdenofproof-supreme-court-2025>

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