

RWANDA / JUDGMENT

Re MUKANDABUKIYE

RCA 0430/15/HC/KIG

COURT

High Court

DECIDED

30 September 2015

CASE / FILE NUMBER

RCA 0430/15/HC/KIG

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Re MUKANDABUKIYE

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Text

Page 1

Re MUKANDABUKIYE [Rwanda HIGH COURT – RCA 0430/15/HC/KIG (Nzabonimana, P.J.) September 30, 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 : this application has the purpose to request for rectifying the number of the judgment RC 0578/10/TGI/NYGE which was appealed for because it is wrongly recorded instead of recording it on RC 0578/10/TGI/NYGE it was recorded it on RC 0518/10/TGI/NYGE. Held : Applications seeking to rectify an apparent error on the record or clarifying a decision which is ambiguous or susceptible to divergent interpretation shall be decided in camera without adversarial arguments and without alteration regarding the winning party, explanatory notes on how the case was ruled, and what the law stipulates as well as the decision taken by court therefore this judgment is rectified. Application has the 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] Mukandabukiye Leonille wrote to the High Court on 19 September 2015 in requesting to rectify the number of the judgment RC 0578/10/TGI/NYGE which was appealed for because it was wrongly recorded instead of recording it on RC 0578/10/TGI/NYGE it was recorded it on RC 0518/10/TGI/NYGE. VIEW OF THE COURT [2] The Court bases on article 154 of Law no 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, the judgment RCA 0285/12/HC/KIG rendered by the High Court on 22 March is rectify as follow:

Page 2

Subject matter: appealing against the judgment RC 0578/10/TGI/NYGE instead of judgment RC 0518/10/TGI/NYGE II. DECISION OF THE COURT [3] It holds that the claim of rectifying the judgment RCA 0285/12/HC/KIG the judgment rendered by the High Court on 22 March 2013 submitted by Mukandabukiye Leonille has the merit. [4] It holds that the judgment is rectified as follow: Subject matter: appealing against the judgment RC 0578/10/TGI/NYGE instead of judgment RC 0518/10/TGI/NYGE [5] It orders that this judgment completes the judgment RCA 0285/12/HC/KIG rendered by the High Court on 22 March 2013 is rectified.

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