

RWANDA / JUDGMENT

RUTAYISIRE v. RWANDA CORRECTIONAL SERVICES (RCS)

RAD 0017/15/HC/KIG

COURT

High Court

DECIDED

26 January 2016

CASE / FILE NUMBER

RAD 0017/15/HC/KIG

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RUTAYISIRE v. RWANDA CORRECTIONAL SERVICES (RCS)

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RUTAYISIRE v. RWANDA CORRECTIONAL SERVICES (RCS) [Rwanda HIGH COURT – RAD 0017/15/HC/KIG (Kabagambe, P.J.) January 26, 2016] Civil procedure – Withdrawing from the case – Acceptance from withdrawing from the case – The fact that the party to case has no interest to follow the case – Withdrawal from a case may be made and accepted at any stage of the proceedings by a simple written declaration, signed by the interested party or his/her counsel and the notice of which is served to the other party – Law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, article 131. Facts : Rutayisire filed a claim for requesting to force the administrative authority who refused to execute of the judgment RADA 0016/15/HC/KIG; RADA 0026/14/HC/KIG together with RAD 082/13/TGI/NYGE. On the hearing day Rutayisire s informed the Court that he withdraws from the case because what he sued for he got an answer for it in the letter of 25 January 2016 of Commissioner General of RCS which he wrote to the Court in informing the way for paying him. Held : The fact that the party to case has no interest to follow the case and he/she requests to the Court he allows to withdraw

from the case because withdrawing from a case may be made and accepted at any stage of the proceedings by a simple written declaration, signed by the interested party or his/her counsel and the notice of which is served to the other party. Withdrawal may also be made verbally before the court. The claim is withdrawn; With the court fees to the public treasury. Statutes and statutory instruments referred to: Law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, article 131 No case referred to.

Judgment

I. BRIEF BACKGROUND OF THE CASE [1] Rutayisire Alexis filed a claim for requesting to force the administrative authority who refused to execute of the judgment RADA 0016/15/HC/KIG rendered on 16 September 2015 and RADA 0026/14/HC/KIG rendered on 05 January 2015 together with RAD 082/13/TGI/NYGE

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rendered by the Intermediate Court on 31 March 2014. But on the hearing day Rutayisire Alexis informed the Court that he withdraws from the case. [2] The issue to be examined in this judgment: Concerning the withdrawing from the case of Rutayisire Alexis II. ANALYSIS OF THE LEGAL ISSUES Concerning the withdrawing from the case of Rutayisire Alexis [3] Counsel Cyubahiro Fiat informed the Court that the Commissioner General of RCS wrote to the Court for informing it that they are going to pay Rutayisire Alexis. [4] Rutayisire Alexis informed the Court that he withdraws from the case because what he sued for he got an answer for it in the letter of 25 January 2016 of Commissioner General of RCS which he wrote to the Court in informing the way for paying him. [5] According to the article 131 of Law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, provides for that Withdrawal from a case may be made and accepted at any stage of the proceedings by a simple written declaration, signed by the interested party or his/her counsel and the notice of which is served to the other party. Withdrawal may also be made verbally before the court, therefore he is allowed to withdraw from the case as he requested. III. DECISION OF THE COURT [6] The Court holds that Rutayisire Alexis withdraws from the case [7] The Court orders that the court fees are on the side of public treasury

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