**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2011

**EASTERN CREDIT UNION CO-OPERATIVE SOCIETY LTD**

**Claimant**

**AND**

**GLENFORD COX**

**GERMAINE COX**

**Defendant**

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Submissions made pursuant to the order of Justice

1. Background:
2. On the Honourable Justice made an order the submissions :

The Defendant is at all material times a member of the Claimant’s credit society.

1. By virtue of a laon agreement, the claimant loaned to the Defendant
2. The Law:

As per S67 (1) of the Co-operative Societies Act Chap 81:03

If any dispute touching the business of a society arises (c) between a member and the society arising out of a ................or under any contract, made under section 27, (f) between the society and any of its creditors, the dispute shall be referred to the Comiisioner for decision.

1. As per the case of Justin Oliver Zinda v Bank of Scotland PLC , which is a similar matter of the present case, it was indicated in the paragraph 22 with the intervention of section 8 of the Administration of Justice Act 1973 the and for the purposes of section 36 of the Administration of Justice Act 1970... court may treat as due under the mortgage on account of the principal sum secured and of interest on it only suc amounts as the mortgagor would have expected to be required to pay if there had been no such provision for earlier payment. in other words the arrears of the instalments due to date.
2. The Conclusion:

This matter is not referred to the committee and there is no provision for any voluntary settlement as referred to in the section 67 of the co-operative socities act chap 81:03 above.

1. The claimants claim is for the whole principal and the interest . The defendant has made efforts to pay the outstanding arrears and also made arrangements to pay the instalments in time , in terms of standing order from the pay department to the society.
2. In these circumstances the claim is frivolous and the hence should be struck out