**Select FIXED DATE CLAIM FORM**

*Civil*

*Injunction/Trespass/Dispossession*

**CHRISTOPHER GIDLA**

**Attorney At Law**

**GIC2006148**

**123 Duke Street Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim #

**SARAH ELWIN**

**(Suing by her lawful attorney SHERRY ANN PETERS)**

**Claimant**

**AND**

**CURTIS YOUNG Defendant**

**- - - -** ooo**000**ooo **- - - -**

**CLAIM FORM**

The Claimant, **SARAH ELWIN** of pole # 7, Apparicio Trace, Bourg Malatrasse, Lower Santa Cruz, in the Island of Trindad Suing by her lawful attorney **SHERRY ANN PETERS** of 24, Charity Crescent, Crown Street, Tacarigua in the island of Trinidad, claims against the Defendant **CURTIS YOUNG** of Apparicio Trace, Bourg Malatrasse, Lower Santa Cruz in the Island of Trinidad.

**BRIEF DETAILS OF CLAIM**

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the premises of Pole # 7 , Apparicio Trace, Lower Santa Cruz ( hereinafter disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands.
3. A declaration that the Claimant is in possession of and has acquired by virtue of Statutory Tenancy pursuant to the Land Tenants (Security of Tenure) Act, 1981 as amended the disputed lands
4. A further declaration that the Defendant, his servants and or agents are not entitled to enter and or remain and or construct and or carry out any work on the disputed lands.
5. Aggravated damages.
6. Costs
7. Such further and or other reliefs as the nature of this case may require.

**CHRISTOPHER ROSS GIDLA**

**ATTORNEY FOR THE CLAIMANT**

**Dated this day of ,2010**

**NOTICE TO THE DEFENDANT**

The first hearing of this claim will take place at the Hall of Justice, Knox Street, Port of Spain on …………… the…………………… day of ………………………..2010, at…………….am/pm in courtroom…………………………..

**If you do not attend at that hearing, judgment may be entered against you in accordance with the claim.**

If you do attend, the Judge may-

1. deal with the claim, or
2. give direction for the preparation of the case for a further hearing.

A statement of case or an affidavit giving full details of the claimant’s claim should be served on you with this claim form. If not and there is no order permitting the claimant not to serve the statement of case or affidavit you should contact the court office immediately.

You should complete the form of appearance served on you with this form and deliver or send it to the court office (address below) so that they receive it within **EIGHT** days of service of this claim form on you. The form of appearance may be completed by you or an attorney at law acting for you.

**You should consider obtaining legal advice with regard to this claim. *See* the notes on the back of this form or on the next page.**

**This claim form has no validity if it is not served within four months of the date below unless it is accompanied by an order extending that time.**

The **Court Office** is at the Hall of Justice, Knox Street, Port of Spain telephone number 623-6297, FAX 625-5088. The office is open between [8:00 a.m] and [4:00 p.m] Mondays to Fridays except on Public Holidays and Court Holidays.

The Claimants address for service is:

**CHRISTOPHER GIDLA**

ATTORNEY AT LAW

Gidla & Associates

Attorneys at Law

123 Duke Street

Port of Spain

Tel/Fax:624-4410

The Parties to be served with this claim form:

**CURTIS YOUNG**

Pole # 7 ,

Apparicio Trace,

Lower Santa Cruz

This Claim Form was served by me…………………………………………………………………

At…………………………..am/pm on ……………………………………………………………………………

………………………………………………………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………..

(Signed) ……………………………………………………………………………………………………………………

(Address) ……………………………………………………………………………………………………………………..

…………………………………………………………………………………………………………………………………………………

Civil

Injunction/Trespass/Dispossession

**CHRISTOPHER GIDLA**

**Attorney At Law**

**GIC2006148**

**123 Duke Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2010

**SARAH ELWIN**

**(Suing by her lawful attorney SHERRY ANN PETERS)**

**Claimant**

**AND**

**CURTIS YOUNG Defendant**

**- - - -** ooo**000**ooo **- - - -**

**STATEMENT OF CASE.**

1. The Claimant is out of the Jurisdiction and brings this claim by her lawful attorney and her daughter Sherry Ann Peters. A true copy of the Power of Attorney registered as No. DE 201001442115 is hereto annexed and marked “A”
2. On or about, in the year of 1970, the Claimant purchased from Vernon Morgan the house situated at Pole #7 Apparicio, Lower Santa Cruz which was standing on lot of land. Vernon Morgan was occupying the right hand side of the land and and said house purchased by the Claimant was situated on the left hand side of the lot of land. The lot of land hereinafter referred to as disputed lands. A copy of the receipt is hereto annexed and marked “B”
3. The said disputed lands was owned by Lucy Montrichard and was leased by Vernon Morgan and subsequently sub leased to the Claimant.
4. The Claimant was paying the half of the rent for the disputed lands and the half by Vernon Morgan.
5. In 1972 the Claimant build a three bedroom, concrete house replacing a dilapidated wooden structure on the disputed lands.
6. Vernon Morgan died in about 1995 and from thence the Claimant was paying the land and building taxes and the Wasa bill for both the houses situated on the disputed lands. Copies of the bills are hereto annexed and marked “C”
7. On or about 27th of May, 2010 the defendant approached the Claimant and told her that he will burn down her house and started using obscene language.
8. The Defendant built a foundation at the back of the house of the Claimant. On 11th of July, 2010 the Claimant received information that the Defendant is in the process of building a structure at the back of the Claimant’s house
9. The Claimant has been renting the disputed lands for more than thirty years and hence subject has been renting the premises before and hence subject to statutory tenancy pursuant to the Land Tenants (Security of Tenure) Act 1981 as amended.
10. The defendant’s intends to continue to build the structure further unless restrained by this court.

**AND THE CLAIMANT CLAIMS**

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the premises of Pole # 7 , Apparicio Trace, Lower Santa Cruz ( hereinafter disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands.
3. A declaration that the Claimant is in possession of and has acquired by virtue of Statutory Tenancy pursuant to the Land Tenants (Security of Tenure) Act, 1981 as amended.
4. A further declaration that the Defendant, his servants and or agents are not entitled to enter and or remain and or construct and or carry out any work on the disputed lands.
5. Aggravated damages.
6. Costs
7. Such further and or other reliefs as the nature of this case may require.

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Christopher Ross Gidla

Claimant’s Attorneys at Law

**DATED** the day of ,2010

CERTIFICATE OF TRUTH

I, Sherry Ann Peters the Claimant herein, hereby certify that the facts stated in this Statement of Case are true.

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2010

**SARAH ELWIN**

**(Suing by her lawful attorney SHERRY ANN PETERS)**

**Claimant**

**AND**

**CURTIS YOUNG Defendant**

APPEARANCE

Please enter appearance for Curtis Young

**WARNING:** This form should be completed and returned to the court at the address below within Eight days of service of the claim form on you. However, the Claimant will not be entitled to have judgment entered against you except at the first or subsequent hearing of the claim.

1. Have you received the Claim Form with the above number? YES/NO
2. If so, when did you receive it? ----------/--------/--------
3. Did you also receive the Claimant’s Statement of Case or

affidavit in support? YES/NO

1. If so on what date did you receive them? ----------/-------/---------
2. Are your names properly stated on the Claim Form? YES/NO

If not, what are your Full names? ………………………………………………...

.................................................................................................................................

1. Do you intend to defend the claim? YES/NO

If so you must file a defence or affidavit in answer within 28 days of the service of the Claim Form on you.

1. Do you admit the whole of the claim? YES/NO
2. Do you admit any part of the claim? YES/NO
3. If so, what do you admit? ....................
4. What is your own address?

........................................................

1. What is your address for service? .......................................

If you are acting in person you must give an address within 3 miles of the court office to which documents may be sent either from other parties or from the court. You should also give your telephone number, FAX number and E mail address if any.

Signed................................ Dated

[Defendant in person] [Defendant’s attorney]

The **Court Office** is at the {Hall of Justice, Knox Street, Port of Spain] telephone number 623-6297, FAX 625-5088. The office is open between [8:00 a.m] and [4:00 p.m] Mondays to Fridays except on Public Holidays and Court Holidays.

**FORM 5 – DEFENCE AND COUNTERCLAIM (**part 10)

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2010

**SARAH ELWIN**

**(Suing by her lawful attorney SHERRY ANN PETERS)**

**Claimant**

**AND**

**CURTIS YOUNG Defendant**

**DEFENCE**

I dispute the claim on the following grounds-

**I certify that all the facts set out in my Defence are true to the best of my knowledge, information and belief. My address for service is**

Telephone No.

Signed Dated

Defendant

We are acting for the Defendant, our address for service is:

Signed (Attorneys at Law for the Defendant)

The **Court Office** is at the {Hall of Justice, Knox Street, Port of Spain] telephone number 623-6297, FAX 625-5088. The office is open between [8:00 a.m] and [4:00 p.m] Mondays to Fridays except on Public Holidays and Court Holidays.

**COUNTER CLAIM**

I claim against the Claimant

(set out details of the remedy or relief sought)

on following grounds-

**I certify that all the facts set out in my counterclaim are true to the best of my knowledge information and belief and that I am entitled to the remedy claimed**

**Signed Dated**

Defendant

We are acting for the Defendant, our address for service is:

Signed (Attorneys at Law for the Defendant)

**Notes:**

1. The defendant may set out his defence in any way he chooses – it is not necessary to use this form.
2. The Defendant must –
   * State which allegations in the claim he admits
   * Which he denies
   * Which he neither admits or denies because he does not know whether they are true
   * Identify any documents which he considers necessary to his use.
3. He must give his reasons for denying any allegations made by the Claimant
4. The Defendant must set out clearly all the facts on which he relies to dispute the Claim and must set out any different version of events on which he relies
5. The Defendant may not be allowed to give evidence about any fact which is not set out in the Defence.
6. If the Defendant wishes to counter claim he must
   * Specify any remedy that he seeks against the Claimant
   * Include a short statement of all facts on which he relies.
   * Identify any documents which he considers necessary to his case
7. Where the Defendant is represented by an Attorney he must also sign the Form and give his address for service,which must be within 3 miles of the court office

Civil

Injunction/Trespass/Dispossession

**CHRISTOPHER GIDLA**

**Attorney At Law**

**GIC2006148**

**123 Duke Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2010

**SARAH ELWIN**

**(Suing by her lawful attorney SHERRY ANN PETERS)**

**Claimant**

**AND**

**CURTIS YOUNG Defendant**

**NOTICE OF APPLICATION**

The Claimant, **SARAH ELWIN** of pole # 7, Apparicio Trace, Bourg Malatrasse, Lower Santa Cruz, in the Island of TrinIdad Suing by her lawful attorney of **SHERRY ANN PETERS** of 24, Charity Crescent, Crown Street, Tacarigua in the island of Trinidad,applies to the court for an order that

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the premises of Pole # 7 , Apparicio Trace, Lower Santa Cruz ( hereinafter disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands.
3. A declaration that the Claimant is in possession of and has acquired by virtue of Statutory Tenancy pursuant to the Land Tenants Security Act, 1981 as amended.
4. A further declaration that the Defendant, his servants and or agents are not entitled to enter and or remain and or construct and or carry out any work on the disputed lands.
5. Aggravated damages.
6. Costs
7. Such further and or other reliefs as the nature of this case may require.

A Draft order is attached

**The grounds of the application are**

1. The Claimant has been renting the premises for more than thirty years and and has been renting before 1981 and hence is a statutory tenant under the Land Tenants (security of tenure )Act 1981 as amended
2. The Defendant trespassed upon the Claimant’s premises and threatens to demolish the house and attempting to build a structure on the Claimants premises unless restrained by this court.
3. In the circumstances the Claimants prays that the court will restrain the Defendant until the matter is heard and determined.

I hereby certify that the facts stated above are true to the best of my/our knowledge, information and belief.

An affidavit in support accompanies the application

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Attorney for the Claimant]

Christopher Gidla

123 Duke Street

Port of Spain

Dated the day of 2010

NOTICE:

This application will be heard by His Lordship the Honourable Mr. Justice , on the day of 2010 at am/pm at the Hall of Justice, Knox street, Port of Spain in court room

**If you do not attend this hearing an Order may be made in your absence.**

**OR**

The judge in Chambers will deal with this application by -

**NB: This notice of application must be served as quickly as possible on the Respondent to the Application.**

**The Court Office** is at the Hall of Justice, Knox street, Port of Spain, Trinidad, telephone number 690-2156, Fax 690-2674. The office is open between 8:00 am and 4:00 pm Mondays to Fridays except Public Holidays and Court Holidays.

The Applicant’s address for service is Gidla and associates of #123 Duke Street, Port of Spain, whose address for service is 123 Duke Street, Port of Spain.

To: The Registrar

High Court of Justice

Port of Spain

Civil

Injunction/Trespass/Dispossession

**CHRISTOPHER GIDLA**

**Attorney At Law**

**GIC2006148**

**123 Duke Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2010

**SARAH ELWIN**

**(Suing by her lawful attorney SHERRY ANN PETERS)**

**Claimant**

**AND**

**CURTIS YOUNG Defendant**

**- - - -** ooo**000**ooo **- - - -**

**ORDER**

Before the Honourable Justice

Dated this day of 2010

Entered the day of 2010

Before the Honourable

**UPON READING** the Claimant’s Notice of Application filed on the day of , 2010 and the Claimant’s affidavit sworn to and filed on the day of ,2010 together with the exhibits therein referred to.

**AND** the Claimant by his undertaking to abide by any Orders this court makes as to damages in case this court shall thereafter be of the opinion that the Defendants shall have sustained any loss or injury by reason of this Order which the Claimant ought to pay.

**AND UPON**  hearing Attorney At Law for the Claimant.

**IT IS HERBY ORDERED**

1. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from entering, remaining, constructing and or demolishing the house on the premises of Pole # 7 , Apparicio Trace, Lower Santa Cruz ( hereinafter disputed lands).
2. An injunction restraining the Defendant whether by himself, his servants and or agents or howsoever from molesting, harassing, abusing and or intimidating the Claimant, her servants and or agents peaceful and quiet enjoyment of the disputed lands.
3. A declaration that the Claimant is in possession of and has acquired by virtue of Statutory Tenancy pursuant to the Land Tenants Security Act, 1981 as amended.
4. A further declaration that the Defendant, his servants and or agents are not entitled to enter and or remain and or construct and or carry out any work on the disputed lands.
5. Aggravated dam ages.
6. Costs
7. Such further and or other reliefs as the nature of this case may require.

…………………………………………………

Registrar of the Supreme Court

Civil

Injunction/Trespass/Dispossession

**CHRISTOPHER GIDLA**

**Attorney At Law**

**GIC2006148**

**123 Duke Street**

**Port of Spain**

**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim # of 2010

**SARAH ELWIN**

**(Suing by her lawful attorney SHERRY ANN PETERS)**

**Claimant**

**AND**

**CURTIS YOUNG Defendant**

**- - - -** ooo**000**ooo **- - - -**

I **SHERRY ANN PETERS,** of 24, Charity Crescent, Crown Street, Tacarigua in the island of Trinidad make oath and say as follows:

1. I am the lawful Attorney for the Claimant and I am authorized to make this affidavit. The Facts and matters herein deposed to are true and correct and within my personal knowledge except where stated to be on information and belief in which case I verily believe same to be true.
2. On or about, in the year of 1970, the Claimant purchased from Vernon Morgan the house situated at Pole #7 Apparicio, Lower Santa Cruz which was standing on a lot of Land. Vernon Morgan was occupying the right hand side of the land and the said house was situated on the left hand side of the lot of land. The lot of land hereinafter referred to as disputed lands. A copy of the receipt is hereto annexed and marked “B”.
3. The said disputed lands was owned by Lucy Montrichard and was leased by Vernon Morgan and subsequently sub leased to the Appointor.
4. The Claimant was paying the half of the rent for the disputed lands and the half by Vernon Morgan.
5. In 1972 the Claimant build a three bedroom, concrete house replacing a dilapidated wooden structure on the disputed lands.
6. Vernon Morgan died in about 1995 and from thence the Claimant was paying the land and building taxes and the Wasa bill for both the houses situated on the disputed lands. Copies of the bills are hereto annexed and marked “C”
7. On or about 27th of May, 2010 the defendant approached the Claiamant and told her that he will burn down her house and started using obscene language.
8. The Defendant built a foundation at the back of the house of the Claimant. On 11th of July, 2010 the Claimant received information that the Defendant is in the process of building a structure at the back of the Claimant’s house
9. The Claimant has been renting the property for more than thirty years and hence was a statutory tenant pursuant to the Land Tenants (Security of Tenure) Act 1981 as amended.
10. The defendant’s intends to continue to build the structure further unless restrained by this court.
11. In these circumstances I humbly pray that this court grant me the order for the Claimant as outlined in the prefixed notice of Application filed herein

Sworn to at 123 Duke Street

Port of Spain this )

Day of 2010 )

Before Me,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Commissioner of Affidavits